

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 00-6017-CIV-DIMITROULEAS/SELTZER

CHERL SEARS )

Plaintiff, )

v. )

THE SCHOOL BOARD OF BROWARD )  
COUNTY, FLORIDA, )

Defendant. )  
\_\_\_\_\_ )

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DEFENDANT'S NOTICE OF FILING

Defendant, THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA, through its counsel, Muller, Mintz, Kornreich, Caldwell, Casey, Crosland & Bramnick, P.A., hereby gives notice of filing of the following deposition transcriptions and affidavit in support of Defendant's Motion for Summary Judgment and in opposition to Plaintiff's Motion for Summary Judgment:

1. Deposition Transcript of Cherl Sears;
2. Deposition Transcript of Gracie Diaz; and
3. Affidavit of Gracie Diaz.

Suite 3600  
First Union Financial Center  
200 South Biscayne Boulevard  
Miami, Florida 33131-2338  
(305) 358-5500 (Miami-Dade)  
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MULLER, MINTZ, KORNREICH, CALDWELL,  
CASEY, CROSLAND & BRAMNICK, P.A.

By \_\_\_\_\_

Gordon D. Rogers  
grogers@mullermintz.com  
Florida Bar No. 249168


By \_\_\_\_\_

for Debra M. Lubkin  
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Florida Bar No. 992161  
Counsel for Defendant

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1/10

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of this document has been furnished to Counsel for Plaintiff, Mark J. Berkowitz, Esquire, Mark J. Berkowitz, P.A., Suite 200N, 524 South Andrews Avenue, Fort Lauderdale, Florida 33301, by Certified Return Receipt Mail, Receipt No. 700 0520 0018 3409 1125, this 21<sup>st</sup> day of December, 2000.

  
Debra M. Lubkin



UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA

CASE NO. 00-6017-CIV-DIMITROULEAS

CHERL SEARS,

Plaintiff,

VS.

THE SCHOOL BOARD OF BROWARD  
COUNTY, FLORIDA,

Defendant.

ORIGINAL

DEPOSITION OF CHERYL SEARS

Taken before RICK LEVY, Registered Professional Reporter and Notary Public in and for the State of Florida at Large, pursuant to Notice of Taking Deposition filed in the above cause.

200 South Biscayne Boulevard  
Suite 3600  
Miami, Florida  
Wednesday, November 8, 2000  
10:21 a.m. - 2:55 p.m.

## 1 APPEARANCES:

2 On behalf of the Plaintiff:

3 MARK J. BERKOWITZ, P.A.  
 4 Suite 200N 524 South Andrews Avenue  
 5 Ft. Lauderdale, Florida 33301  
 6 BY: MARK J. BERKOWITZ, ESQUIRE

7 On behalf of the Defendant:

8 MULLER, MINTZ, KORNREICH, CALDWELL et al.  
 9 200 South Biscayne Boulevard  
 10 First Union Financial Center Suite 3600  
 11 Miami, Florida 33131  
 12 BY: GORDON ROGERS, ESQUIRE

13 Also Present: Kelly Sulzberger

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15	Witness	Direct	Cross	Redirect	Recross
16	CHERL SEARS				
17	By Mr. Rogers	3		--	

## 18 EXHIBITS

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1 Thereupon --

2 CHERYL SEARS

3 was called as a witness and, having been first duly  
4 sworn, was examined and testified as follows:

5 DIRECT EXAMINATION

6 BY MR. ROGERS:

7 Q It's now about 10:21 a.m for the purposes  
8 of the rule. Ms. Sears, my name is Gordon Rogers.  
9 We're here on the case of Cheryl Sears vs. School  
10 Board of Broward County Florida, case number  
11 00-6017-CIV Dimitrouleas.

12 Again, the purpose of this deposition is  
13 for me to ask you questions and find out what your  
14 case is about. If at any time you don't understand  
15 my question, please let me know and I'll rephrase  
16 it.

17 If at any time your lawyer objects to  
18 something, bare in mind there are very few  
19 objections except to form of the question in this  
20 sort of thing, but if he does object and directs  
21 you not to answer you naturally do what your lawyer  
22 says.

23 What I anticipate is we should not have  
24 that much to go through so I don't think we'll have  
25 any problem with the six hour rule here today so

1 we'll probably end up breaking for lunch and come  
2 back after lunch and finish it up. Because of the  
3 nature of the way that some of the discovery was  
4 framed it may be pretty tedious for us to go  
5 through some things but the only big thing is on a  
6 deposition one, make sure you understand the  
7 question, two, make sure you tell the truth.

8 If you don't understand the question  
9 again let me know and we'll rephrase it. If you  
10 need a break at any time let me know. As long as  
11 there's no question pending we can accommodate  
12 whatever you need. Other than that can you just  
13 state your name for the record and spell it for the  
14 court reporter?

15 A My name is Cherl Sears. Cherl is  
16 C-h-e-r-l. Sears is a S-e-a-r-s.

17 Q Residence address?

18 A 4730 Northwest 11th Street, Lauderhill,  
19 Florida, 33133.

20 Q How long have you lived there?

21 A Since 1994. August of 1994.

22 Q Where did you live prior to that?

23 A Pompano Beach, Florida.

24 Q Can you tell me something about your  
25 educational background?

1 A I have a BA degree in criminal justice.

2 You want to know where I worked or --

3 Q No, you finished high school obviously?

4 A Yes.

5 Q Where did you go to high school?

6 A Fort Myers High School in Fort Myers,  
7 Florida.

8 Q What year did you finish high school?

9 A 1984.

10 Q Where did you get your BA degree from?

11 A Florida Memorial College in Miami,  
12 Florida.

13 Q I presume at some point you moved from  
14 Fort Myers to Miami?

15 A Yes.

16 Q Can you tell me when that was?

17 A 1985.

18 Q Maybe we can sort of speed things up with  
19 some documents here. Let me show you a document  
20 and ask if you can identify it for me. Each time  
21 we do this I'm going to show it to your lawyer  
22 first and he'll show it to you.

23 Can you tell me what the document I've  
24 just shown you is?

25 A It's a resume of my educational



1 background and my work experience.

2 Q How did you come to prepare that? Who  
3 did you prepare it for?

4 A I prepared it for a variety of jobs that  
5 I was seeking employment, job employment so  
6 whatever employment I was seeking it was for that  
7 purpose.

8 Q Did you submit that resume to the School  
9 Board of Broward County?

10 A Yes, I did.

11 Q We're referring to bates stamped document  
12 0026, 0027, 0028. Drawing your attention to 0029  
13 can you tell us what that document is?

14 A 0029?

15 Q Yes.

16 A It's an application for employment for  
17 the Broward County School Board.

18 Q You applied at the date and this appears  
19 to be January 27th 1992 up at the top?

20 A January 27th '92, yes.

21 Q You applied for work as a substitute  
22 teacher or coach?

23 A Right, substitute teacher at the time.

24 Q That is a document that you prepared?

25 A Yes.

1 Q And submitted to the School Board?

2 A Yes.

3 Q Now, if you turn to the next document  
4 which is 0030 that shows your BA degree in criminal  
5 justice from Florida Memorial College at the top  
6 under education; is that correct?

7 A That's correct.

8 Q Then when you get down to section B about  
9 a third of the way down the page it talks about  
10 teaching experience. Can you tell me what teaching  
11 experience you're referring to there?

12 A This teaching experience here is only  
13 substitute experience where I substituted in a  
14 variety of subjects. All subjects.

15 Q This was --

16 A Middle school level.

17 Q In Fort Myers?

18 A Right.

19 Q Was it all at the same school?

20 A It was a variety of schools but this is  
21 just only one school.

22 Q So just so I understand, during 1991 you  
23 substituted for Lee County School Board at a  
24 variety of different schools?

25 A Yes.

1 Q You say that you -- in the last column  
2 that you were a full-time sub. What do you mean by  
3 that?

4 A I was at that school for several months  
5 at a time.

6 Q Were you assigned to the school and just  
7 subbed at any class that needed a teacher or did  
8 you have a specific class each day?

9 A I was in one class for several months and  
10 after the teacher -- like an interim sub or  
11 something like that. I don't know the exact dates  
12 but I was in one class for several months and when  
13 the teacher came back I was released from that  
14 class and I subbed all over, different classes.

15 Q But at the same school?

16 A At that same school.

17 Q When you say 1991, that was during  
18 calendar year 1991?

19 A Yes.

20 Q So it wasn't the whole school year 1991  
21 it was just the year 1991?

22 A Yes.

23 Q Then down below that we have non-teaching  
24 work experience and it shows 1991 to 1991 you  
25 worked for Broward County Parks and Recreation?

1 A Yes.

2 Q That was what type of job?

3 A Summer employment. Well, working with  
4 kids playing different sports activities.

5 Q Was that more or less a camp counselor  
6 job?

7 A Exactly.

8 Q Now, if you go on to the next page which  
9 is 0031 of the document this talks about whether or  
10 not you had a Florida educator certificate. What  
11 sort of certificate did you have at that time?

12 A Substitute certificate.

13 Q Go ahead.

14 A Which enabled me to substitute in areas K  
15 through 12.

16 Q That was with the Lee County School  
17 Board?

18 A At this time I'm not sure. I had one  
19 through Lee County School Board and I had one  
20 through -- I had one for Lee County School Board  
21 and before I was able to sub for Broward County I  
22 had to get one for Broward County.

23 Q But do you have a recollection of whether  
24 you had a certificate for Broward County before you  
25 made this application that's 0029 in that document?

1 A I can't remember whether I had it at the  
2 time or whether I got it after the time but it was  
3 required before you can sub in Broward County. I  
4 can't remember.

5 Q Now, you've had a chance to look at the  
6 document we're just referring to which includes  
7 your resume and various bate stamped pages. Do you  
8 see anything in there that's incorrect?

9 A On all pages?

10 Q Just since you did the resume I presume  
11 that's all correct but you tell me if it's not.

12 A I don't know anything that's incorrect on  
13 it.

14 MR. ROGERS: We would like to have this  
15 attached then as Defendant's Exhibit No. 1  
16 composite.

17 (Defendant's Exhibit No. 1 was  
18 marked for identification.)

19 BY MR. ROGERS:

20 Q For the record let me show you another  
21 document bate stamped 0039, 0040 and ask if you can  
22 tell me what that is.

23 A This is a substitute teacher's clearance  
24 form.

25 Q And the date on this is -- is that your

1 signature at the bottom of the page?

2 A Yes.

3 Q That's dated January 28th 1992?

4 A Yes.

5 Q And then if I'm reading correctly and I  
6 apologize this is a poor copy but a lot of this  
7 stuff is on microfiche. It appears to say you can  
8 begin as a substitute teacher on February 4th 1992  
9 all the way down at the bottom right above your  
10 signature?

11 A You're saying that's what it says?

12 Q Yes.

13 A Okay, yes, I see it.

14 Q So you were cleared to begin work as a  
15 substitute teacher based upon this clearance form  
16 as of February 4th 1992; is that correct?

17 A Yes.

18 Q Now, look at the top of the page for me  
19 because I'm trying to figure out were you  
20 fingerprinted by Broward County School Board on  
21 January 28th 1991 or did somebody write the wrong  
22 year in there?

23 A I'm not sure on the date. I'm not sure  
24 on the exact date that I was fingerprinted.

25 Q Well, what were you doing in

1 January 1991? Were you working somewhere else?

2 A I think for Parks and Recreation in  
3 Broward County.

4 Q I thought that was a summer job?

5 A That was a summer job but I don't know  
6 the exact date that I was fingerprinted but that  
7 was part of the requirement I had to be  
8 fingerprinted before I was able to begin to sub but  
9 I'm not sure.

10 Q Tell me basically the process, you got  
11 cleared to start working for Broward County as a  
12 substitute?

13 A As a substitute I had to be -- I think  
14 they had to do a background check. I had to be  
15 fingerprinted. I had to turn in my requirements  
16 saying that I had a degree and I had to complete  
17 substitute training course. I had to be -- in  
18 order to sub so I'm just not -- I don't know the  
19 exact date that I was fingerprinted but I had to be  
20 cleared through fingerprints before I could even  
21 start subbing.

22 Q This is your signature that appears on  
23 the bottom of 0039?

24 A Yes.

25 Q What was explained to you as to what the

1 frequency of your employment would be if you were  
2 accepted as a substitute teacher?

3 A You're talking about the requirements  
4 or --

5 Q Just basically I'm talking about the  
6 fifth paragraph down on this document.

7 A Actually this wasn't explained to me. I  
8 just read it and completed everything I had to  
9 complete and I guess this was done by the school  
10 board. This was their clearance sheet. They  
11 checked off what I completed. I had no one sit  
12 down with me and explain to me what was expected.

13 Q Did you read this before you signed it?

14 A Yes, I read it.

15 Q So the paragraph that I'm speaking of  
16 says that and I quote "I understand that there are  
17 currently over 3,000 substitutes on the board  
18 approved substitute list and that steady employment  
19 is not guaranteed?"

20 A Yes, I know that. I'm familiar with  
21 that.

22 Q You understood that part. But when  
23 you're speaking about the checkoff sheet and  
24 whatnot you think -- you're talking about the top  
25 of this page?



1 A Yes, that's what I was talking about.

2 Q Somebody at the school board completed  
3 that part?

4 A Yes.

5 Q Then turn for me if you would to the next  
6 page of that document which is 0040.

7 A Okay.

8 Q Is that your signature that appears on  
9 the bottom of that page?

10 A Yes.

11 Q Were you aware of the statement that  
12 there were now 3,300 substitutes available and that  
13 regular employment should not be expected or  
14 guaranteed?

15 A At the time I was aware of it.

16 MR. ROGERS: This will be Defendant's  
17 Exhibit No. 2.

18 (Defendant's Exhibit No. 2 was  
19 marked for identification.)

20 BY MR. ROGERS:

21 Q Now, let me show you the next document  
22 which is bated stamped 0050 and ask if you can  
23 identify that for me (Indicating).

24 A Okay, yes.

25 Q Tell me what this is.

1 A This is saying that I moved from Pompano  
2 Beach which I needed to put in a change address and  
3 I gave them the new address which is 4730 Northwest  
4 11th Street.

5 Q Is that still your current address?

6 A Yes.

7 Q Now, do you own that or rent?

8 A Own.

9 MR. ROGERS: This will be Defendant's  
10 Exhibit No. 3.

11 (Defendant's Exhibit No. 3 was  
12 marked for identification.)

13 BY MR. ROGERS:

14 Q Now, prior to that date how frequently  
15 had you been working with the school board as a  
16 substitute teacher?

17 A Before this date?

18 Q Before that date.

19 A At least four or five times a week.

20 Q So four to five times a week?

21 A Yes.

22 Q Every week?

23 A Every week.

24 Q So how would you find out that you had a  
25 particular assignment?

1           A       On call. They have a substitute system  
2 to where they call you out on the phone but I had  
3 built a rapport with schools to where I didn't even  
4 have to get called out by telephone. The principal  
5 or whoever was in charge of calling the subs I  
6 would have assignments that was booked up weeks  
7 ahead of time whenever they knew that a teacher was  
8 going to be absent they plug you in. So they  
9 reserve you in advance.

10          Q       What schools in particular did you have  
11 that kind of arrangements with?

12          A       Ely High School, Castle Hill Elementary.  
13 Basically I had to only go to one or two schools  
14 and I was -- I kept work that way because I had a  
15 rapport with the schools.

16          Q       When you had a rapport with the schools  
17 who at the schools do you recall?

18          A       Shirley Larken was at Ely High School and  
19 I can't remember the lady that was over subs at  
20 Castle Hill. It was a while back.

21          Q       Shirley Lerken, do you know what her  
22 position was?

23          A       No.

24          Q       But she was in charge of subs?

25          A       Right, she was in charge of subs.

1 Q When you were working those four or five  
2 days a week at Ely and Castle Hill I believe you  
3 said?

4 A Yes.

5 Q Do you know how much you were getting  
6 paid a day?

7 A I don't know the exact amount because it  
8 went up. I don't know the exact figure.

9 Q But this was you mentioned interim sub  
10 that you were sort of like an interim sub in Lee  
11 County?

12 A No, Broward County.

13 Q But you said sort of like an interim sub  
14 in Dade County?

15 A Yes, I was just getting substitute pay.  
16 In Broward County when you're in the classroom the  
17 reason I say interim is because I was in there a  
18 certain amount of days like couple months but I was  
19 still getting sub pay.

20 Q You don't remember what you were making  
21 at Broward?

22 A I wasn't interim at Broward. I can't  
23 remember the pay. I think it was like \$74 a day.

24 Q I'm sure we've got that some place. Let  
25 me show you the next document or let me back up.

1 When you moved from Pompano Beach to your current  
2 address, were you married to Mr. Sears at that  
3 point in time?

4 A No, I wasn't.

5 Q Tell us who Mr. Sears is.

6 A Now or then? He's my husband now.

7 Q He is your husband now?

8 A Yes.

9 Q What's his first name?

10 A David.

11 Q Were you living with Mr. Sears at the  
12 point in time when you moved --

13 A When I moved to --

14 Q -- from Pompano Beach to the address that  
15 we can't read on the --

16 A No, I wasn't.

17 Q When did you start living with Mr. Sears?

18 A About 1996.

19 Q Do you know about when?

20 A No, I don't know the exact month. I only  
21 know the year.

22 Q Was it before you were married to him?

23 A Was I living with him before?

24 Q Yes.

25 A No.

1 Q I'm trying to figure out the next  
2 document here then. Which is again two pages bate  
3 stamped 0017, 0018.

4 A You're trying to understand this  
5 (Indicating)?

6 Q No, the front page. Specifically up at  
7 the top it says name Cherl Hall Sears but it  
8 appears to be dated July or signed by you July 21st  
9 1994.

10 A This here (Indicating)?

11 Q Yes. The date right above where you  
12 signed it is probably the best thing to go by.

13 A This doesn't look like my writing here  
14 where it says Sears (Indicating).

15 Q I'm just trying to understand if you  
16 weren't married to Mr. Sears in 1994 why would this  
17 name be on this document?

18 A I lost my train of thought but I know  
19 that's not my writing. I don't even write Sears.  
20 Somebody had to add that. I did get married in  
21 '94. '95 I think it was. '95 I got married.

22 Q So you weren't married to David Sears in  
23 1994?

24 A No, if I recall I think it was '95.

25 Q And this shows your old Pompano Beach

1 address as well, does it not?

2 A That's correct.

3 Q So how would anyone -- you say this is  
4 not your writing on the top portion of this?

5 A This is not my writing where Sears was  
6 added and this is my signature --

7 MR. BERKOWITZ: Is there a question  
8 pending?

9 BY MR. ROGERS:

10 Q I'm just trying to understand. The  
11 question was it's not her writing I believe she  
12 said it's not her writing in the top section that's  
13 entitled personnel or personal information.

14 A That's not my writing.

15 Q Do you know whose writing it is?

16 A No, I don't.

17 Q Down in the academic record portion about  
18 three down, is that your writing?

19 A The Florida Memorial, yes, that's my  
20 writing.

21 Q And then did you fill out the portion of  
22 this document below that that talks about arrest  
23 revocation record?

24 A Yes, that looks like I filled it out.

25 Q We did already establish that this is

1 your signature on the bottom of 0017?

2 A That's correct.

3 Q Tell us what this document is.

4 A This is a request for substitute teaching  
5 certificate.

6 Q Why did you file this?

7 A Actually I -- this here because in '92 I  
8 had already filed for substitute teacher's  
9 certificate so I don't know where this came about.  
10 Why did I have to redo it.

11 Q Well, the question I asked you earlier  
12 was or let's say had to do with substitute  
13 teacher's certificate you had prior to coming to  
14 Broward County in 1992 was issued by --

15 A Somebody changed this. That's not even  
16 my --

17 Q You're referring to what now?

18 A I guess I skipped over. Somebody crossed  
19 out Hall and put Sears.

20 Q Tell me what the second page of this  
21 document that's 0018 is.

22 A This is the substitute teacher's  
23 certificate that I received.

24 Q The dates on this are July 1, 1994  
25 through June 30th 1999?



1 A I guess that's the valid period. Whoever  
2 crossed this out and put Sears that's the same  
3 person that wrote this. I didn't do that. You see  
4 where Hall is crossed out and Sears is wrote that's  
5 the same writing. That is not my handwriting.

6 Q Is the Cherl Hall your handwriting?

7 A Yes, the Cherl Hall. That's my  
8 handwriting.

9 Q I guess that clears that up then. As of  
10 the date that you signed this on July 21, 1994 is  
11 the information as to arrests and convictions on  
12 this form correct?

13 A Yes.

14 Q So you hadn't entered a plea of no  
15 contest to any crime other than a traffic violation  
16 as of that date?

17 A I don't recall. No.

18 Q Did it happen or didn't it happen?

19 A As of July 21st '94 I don't think it had  
20 happened when I went through this.

21 MR. ROGERS: This will be Defendant's  
22 Exhibit No. 4.

23 (Defendant's Exhibit No. 4 was  
24 marked for identification.)

25

1 BY MR. ROGERS:

2 Q We just refreshed your recollection here.  
3 Let me show you a document and ask if you can --  
4 it's unnumbered believe it or not but I believe we  
5 got that from your counsel. Can you tell me what  
6 that document is?

7 A It's Florida marriage license.

8 Q Is that your signature that appears on  
9 that license?

10 A Yes.

11 Q Just for identification purposes it shows  
12 an audit control number at the bottom of B136002;  
13 is that correct?

14 A Yes.

15 Q When did you get married to David Stephon  
16 Sears?

17 A July 21st 1995.

18 Q This indicates that you had been married  
19 before that?

20 A Yes.

21 Q Is it correct that your last marriage  
22 ended in divorce on January 15, 1992?

23 A I don't remember the correct date but I  
24 guess this is what it says on here.

25 Q Who were you married to prior to

1 Mr. Sears?

2 A Cleofus Hall.

3 MR. ROGERS: Let's just move this in as  
4 five I guess.

5 (Defendant's Exhibit No. 5 was  
6 marked for identification.)

7 BY MR. ROGERS:

8 Q When did you meet David Sears?

9 A Back in -- I don't know, 1992.

10 Q In 1992 when you first moved to Broward  
11 County?

12 A Yes.

13 Q Were you aware at the time that you met  
14 Mr. Sears that he had a criminal background dating  
15 back to 1987?

16 A Yes.

17 Q How did you become aware of that?

18 A Because he told me.

19 Q Tell me what offenses that you were aware  
20 that he had committed as of 1992 when you first met  
21 him.

22 A The offenses that I was aware of?

23 Q Yes.

24 A What he told me he had committed?

25 Q What he told you he had done.

1 A He had been to prison on a racketeering  
2 charge or something like that.

3 Q He had actually been in prison?

4 A Right.

5 Q Were you aware that he had been on parole  
6 for sale or purchase of heroin?

7 A No, I wasn't aware of that.

8 Q Were you aware that he was on parole for  
9 cocaine possession in 1989?

10 A I was aware that he had been -- I don't  
11 know about parole but I thought he had been  
12 prisoned for cocaine, yes.

13 Q Were you aware that he had been on parole  
14 for carrying a concealed firearm in November 1989?

15 A No.

16 Q What years is it you were aware that he  
17 was in prison from?

18 A What years?

19 Q How many years was he in prison?

20 A Before me or during the time he was with  
21 me? I think he had been one time for three months  
22 when he had been with me. I don't know how much he  
23 had served before he had been with me.

24 Q And you say you believe that was a  
25 conspiracy charge of some kind?

1 A Racketeering he had told me.

2 Q This shows him as a prison inmate for  
3 carrying a concealed firearm, cocaine possession,  
4 cocaine sale, manufacture and delivery on a variety  
5 of different dates but as of 1992 all you knew was  
6 that he had been in jail for three months at some  
7 point; is that true?

8 A That's after the fact. During the period  
9 of time that I have been with him he had been for  
10 like three months.

11 Q Do you know if he was in jail before you?

12 A Oh, yes, I knew he had served time but I  
13 didn't know how much time he had served on a  
14 racketeering charge.

15 Q Do you know when he served that time?

16 A No.

17 Q Was it before you met him in 1992?

18 A Yes. It was definitely before.

19 Q On the other time that he served while  
20 you knew him was about when if you recall?

21 A When did he serve it?

22 Q Right.

23 A I think '93 or '94.

24 Q Now, did there come a time in 1995 when  
25 you were arrested along with Mr. Hall?

1 A Sears.

2 Q Or Mr. Sears rather, I'm sorry.

3 A Yes, I did.

4 Q Let me show you a couple of documents and  
5 ask you if you can identify those for me. We'll  
6 start with the document that's date stamped 0103  
7 through 0112. I ask if you've seen that before.

8 A Have I seen it before?

9 Q Yes.

10 A No. I haven't seen it.

11 Q Let's go through some of the information  
12 in it if we can. As of June 15th Mr. Sears was  
13 apparently booked. Was he working for Lester Lawn  
14 Service?

15 A June 15th?

16 Q When he was arrested.

17 A Yes, I'm familiar with him doing some  
18 lawn service work with Lester Lawn Service.

19 Q Was he getting paid in cash or was he  
20 getting paid in the normal fashion with a check  
21 with taxes being taken out?

22 A As far as I know I don't know about the  
23 taxes. I think he was getting paid in cash.

24 Q This indicates that on June 15th  
25 Mr. Sears was --

1 A Where are you?

2 Q Front page of that. Mr. Sears was  
3 arrested and charged with murder, second count of  
4 operating a motor vehicle against restriction and a  
5 third count of possession of cocaine. Were you  
6 with him at the point in time when he was arrested  
7 on those charges?

8 A Yes.

9 Q Tell us what happened.

10 A I was in the car with him. The police  
11 stopped the car. David was driving the car. I was  
12 a passenger in the car. Actually he had picked me  
13 up from my house and on the way to the mall. On  
14 our way to the mall the police stopped the car and  
15 they told us to get out of the car and I asked him  
16 what was the reason why they wanted us out of the  
17 car. They said the car had fitted a description  
18 of -- the car that we was in had fit a description  
19 of a person that had murdered -- supposedly  
20 murdered someone.

21 During that time we got out of the car  
22 and they went I guess put me in the car, put him in  
23 the car and they searched the car and searching the  
24 car they found cocaine. So they took both of us in  
25 custody. They took me somewhere and they

1 questioned me about a murder which I knew nothing  
2 about.

3 They questioned me only about the murder.  
4 They didn't ask me anything about the cocaine that  
5 was in the car and after I didn't know anything  
6 about the murder they decided to arrest me too. I  
7 guess they arrested David and they arrested me.

8 Q Now, were you living with David Sears at  
9 the point in time when the arrest occurred?

10 A In --

11 Q In June, 1995.

12 A No. He used to come by spend the night  
13 and stuff but I wasn't actually living with him.

14 Q At that point if you weren't living with  
15 him I don't know what the appropriate phraseology  
16 were you seeing him exclusively since 1992 or when  
17 did you start to --

18 A Yes, we were seeing each other off and on  
19 a lot.

20 Q Were you also seeing other people?

21 A No, I wasn't.

22 Q So he was your steady boyfriend from 1992  
23 on?

24 A Yes.

25 Q Is that an appropriate way to say it?



1 A Yes.

2 Q Now, why was he -- who owned the car  
3 first off?

4 A I owned the car.

5 Q What kind of car was it?

6 A It was a -- I don't know what year. It  
7 was a Cadillac white with a blue rag.

8 Q Blue rag means what?

9 A Rag top. The top was dark blue.

10 Q Was it convertible or just --

11 A Just a regular rag top. It wasn't  
12 convertible.

13 Q How did Mr. Sears come to be driving your  
14 car?

15 A I let him borrow it. I let him hold it.

16 Q Do you remember what day of the week this  
17 was?

18 A No. I know it was through the week.

19 Q Was it a weekday?

20 A Yes, it was a weekday.

21 Q About what point in time did Mr. Sears  
22 come and pick you up?

23 A I can't remember that.

24 Q Where were you when he picked you up?

25 A I was at my home.

1 Q Do you know if you had worked that day as  
2 a substitute teacher?

3 A No, at that time I was doing my summer  
4 job. I was on another job for summer employment.

5 Q What did you do for summer employment?

6 A I worked for BETA, Broward County  
7 Employment and Training where I worked with kids  
8 with helping them with job placements. I did job  
9 placement for youth.

10 Q So maybe we can ask that now. At any  
11 point while you were working for Broward County  
12 School Board did you work summer school as a  
13 substitute teacher?

14 A No.

15 Q So your summers were free?

16 A No, I worked every summer but not with  
17 the School Board. I did it with BETA, Broward  
18 County Employment and Training.

19 Q On the day you were arrested had you  
20 worked for BETA that day?

21 A No, I was off sick that day actually.

22 Q You were off sick but why did Mr. Sears  
23 come and pick you up?

24 A Because I wanted to go to the mall.

25 Q Even though you called in sick that day?

1 A Yes.

2 Q How did you contact Mr. Sears to let him  
3 know that?

4 A I think I beeped him.

5 Q Had he had your car the whole day?

6 A Yes.

7 Q Was that customary for you to give him  
8 your car just let him have it for the whole day?

9 A Yes, I had two.

10 Q You had two cars?

11 A He holds it a lot.

12 Q What was the other car you have?

13 A A 240 Nissan.

14 Q But the car was in your name?

15 A Right.

16 Q Now, did you have any knowledge that  
17 Mr. Sears had 14 grams of cocaine stashed in your  
18 car when he picked you up that day?

19 A No, I didn't.

20 Q Had you ever seen him with cocaine  
21 before?

22 A No, I haven't.

23 Q Then the part of the police report also  
24 indicates that when you were arrested you had \$50  
25 or actually \$53 in one dollar bills rolled up with

1 a rubber band around it. Did you in fact have that  
2 money?

3 A I had \$53 worth of the ones.

4 Q Was it rolled up in a --

5 A I don't recall it being rolled up. It  
6 was in my wallet.

7 Q Why would you have \$53 in ones?

8 A I just had it. \$53 in ones that he gave  
9 me.

10 Q He gave it to you?

11 A Yes.

12 Q Was it rolled in a rubber band or not?

13 A No, it wasn't. It was in my wallet.

14 Q Now, do you know what eventually happened  
15 to the murder charge against Mr. Sears?

16 A Yes, I do.

17 Q What happened?

18 A He went before a grand jury and the  
19 charges were dropped.

20 Q What happened to the other two charges of  
21 possessing cocaine and driving with a restricted  
22 license?

23 A The possession charge he went to prison  
24 on.

25 Q How long did he go to prison?

1 A Like 11 months.

2 MR. ROGERS: I would like to have this  
3 attached as the next exhibit.

4 (Defendant's Exhibit No. 6 was  
5 marked for identification.)

6 BY MR. ROGERS:

7 Q The next document I have for you is bate  
8 stamped 0150, 0151. I'll show this to your lawyer  
9 and ask if you've ever seen that.

10 A Yes, I seen this before.

11 Q Where did you see it?

12 A I ordered a copy of the police report and  
13 I ordered it when I went to become a full-time  
14 teacher with a Broward County School Board from  
15 non-instruction to instructional I ordered a police  
16 report that I gave them along with my application.  
17 I had to submit it to the School Board.

18 Q Now, were you interviewed by this police  
19 officer?

20 A No, I wasn't.

21 Q Had you ever seen this police officer  
22 before that day that you got arrested on --

23 A Actually I don't know who wrote the  
24 police report. It was several polices there so I  
25 don't know who wrote the report.

1 Q This one appears to be the report by the  
2 officer that had the drug sniffing dog?

3 A It was several of them there so --

4 Q Do you recall a specific officer having a  
5 drug sniffing dog at the point in time when you  
6 were arrested?

7 A It was a dog there but there were several  
8 police officers and I was in the car. I didn't  
9 actually see what was going on.

10 Q Now, at the point in time when you were  
11 arrested and I'm trying to figure out the dates  
12 here, one says June 15th and one says June 14th.  
13 Do you know definitely which date you were  
14 arrested?

15 A No, I don't.

16 Q Maybe that it was -- was it late at  
17 night?

18 A It was in the daytime.

19 Q About what time of day?

20 A I want to say around noon. I'm not sure.

21 Q So the police stopped you --

22 A It wasn't just one police. It was  
23 several police. They were following the car  
24 because the car fitted the description that the  
25 murderer was supposed to be driving so it was

1 detectives and police officers.

2 Q It was more than one police car behind  
3 you?

4 A Right. It was like an undercover police  
5 car and then several other polices came along.

6 Q So how many officers would you say were  
7 on the scene?

8 A I would say about four or five I guess.

9 Q There was an officer with a drug  
10 detection dog?

11 A Yes.

12 Q Now, this report indicates that the  
13 dog -- I'll use the officer's words alerted on \$53  
14 that was in your purse. Did they take your purse  
15 from you?

16 A They searched my purse.

17 Q Were you standing there present?

18 A Yes.

19 Q Do you recall if the dog came up and  
20 sniffed your purse?

21 A No dog was by me. No dog was by my purse  
22 either. They just took the money.

23 Q They took the money out of your purse?

24 A Yes.

25 Q Did they take your purse completely from

1 you?

2 A No, just took the money.

3 Q But they searched it and then left you in  
4 the back of a police car with your purse?

5 A Yes.

6 Q After they had taken out this \$53 in one  
7 dollar bills?

8 A Exactly.

9 Q Was it common for Mr. Sears to have lots  
10 of money in one dollar bills?

11 A Well, he worked for a lawn service so I  
12 guess he -- I don't know how they paid him.

13 Q It seemed like a lot of one dollar bills.  
14 Had he given you that much money in one dollar  
15 bills before?

16 MR. BERKOWITZ: Object to the form.

17 THE WITNESS: No.

18 BY MR. ROGERS:

19 Q He had never given you that much money in  
20 one dollar bills before; is that the answer?

21 MR. BERKOWITZ: You can answer.

22 THE WITNESS: No. No.

23 BY MR. ROGERS:

24 Q Had he given you money before?

25 A Yes, he gave me money before.



1 Q What denominations did he normally give  
2 you money in?

3 A What do you mean?

4 Q Tens, twenties, fives, whatever.

5 A It varied.

6 Q Did he ever give you money that was  
7 rolled up with a rubber band around it?

8 A No, he don't give me money that way.

9 Q How much money would you say he gave you  
10 a week?

11 A I don't have a figure for that.

12 Q Would he give you money every week?

13 A No.

14 Q How frequently?

15 A Every now and then as needed. If I  
16 needed it.

17 Q After you were arrested what jurisdiction  
18 arrested you, do you know?

19 A The City of Ft. Lauderdale.

20 Q Where were you taken after you were  
21 arrested?

22 A To the Broward County jail downtown.

23 Q How long did you stay in custody there?

24 A A couple hours.

25 Q Did you bond out?

1 A Yes.

2 Q How did you bond out?

3 A My brother bonded me out.

4 Q And the charge was one felony count of  
5 possession of cocaine?

6 A Yes.

7 Q And you're only in custody for a couple  
8 of hours?

9 A Yes.

10 Q What happened to Mr. Sears?

11 A He stayed in custody. He didn't have a  
12 bond because they had him on hold for the murder  
13 but after he went before a grand jury he bonded out  
14 which he stayed there for about six weeks.

15 Q So he was actually in jail for about six  
16 weeks?

17 A Yes.

18 Q How did he finally get out?

19 A After they dropped the murder charges  
20 then he had a bond on the possession charge.

21 Q Did you bond him out or did someone else  
22 bond him out?

23 A I can't remember. I think I bonded him  
24 out.

25 MR. ROGERS: Let's attach this as

1 Defendant's Exhibit No. 7 and I'm referring  
2 again to the police report this's 0150 and  
3 0151.

4 (Defendant's Exhibit No. 7 was  
5 marked for identification.)

6 BY MR. ROGERS:

7 Q Then I believe if we go back through the  
8 exhibits you married David Sears on July 21st 1995?

9 A Yes.

10 Q What made you decide to marry him on July  
11 21st 1995?

12 A Because I loved him.

13 Q Was there any effort to get you to  
14 testify against him by the police?

15 A Oh, no.

16 Q Was that the day he got out of jail on  
17 the murder charge?

18 A Like the next day.

19 Q So tell me about -- did you go back to  
20 work for the Broward School Board for the 1995,  
21 1996 school year as a substitute teacher?

22 A Yes.

23 Q Did you tell anyone at Broward School  
24 Board that you had been arrested for felony cocaine  
25 possession?

1 A No, I didn't.

2 Q Why not?

3 A I didn't know I was supposed to.

4 Q You didn't even mention it to anybody?

5 A No.

6 Q You were arrested in June. What happened  
7 after you were arrested and bonded out?

8 A I went back to work with Broward County  
9 Employment and Training.

10 Q Then that ended about when?

11 A August.

12 Q And then August you would go back to work  
13 for the School Board as a substitute teacher?

14 A That's correct.

15 Q Were you working on a regular basis in  
16 1995 as a substitute teacher?

17 A Yes.

18 Q How many days a week would you say?

19 A Four to five days a week.

20 Q Same two schools Ely and Castle Hill?

21 A No, actually -- '95 I don't think I was  
22 at Ely then. I was several schools at that time.

23 Q So you were a floater more or less going  
24 wherever they needed you?

25 A Right.

1 Q But you were still working four or five  
2 days a week?

3 A That's correct.

4 Q Do you recall specifically what schools  
5 you worked at at all?

6 A Castle Hill, Lauderhill Middle.  
7 Basically Castle Hill.

8 Q Teaching what levels?

9 A K through five or middle school levels.  
10 I was also at Lauderdale Manors which I became a  
11 pool sub and a pool sub is when you're at the  
12 school all the time whether they have a substitute  
13 position for you or not you're at the school and  
14 whenever a teacher is absent they just plug you in.

15 Q I show that as being in 1996, am I right  
16 on that?

17 A Well, it probably was '96.

18 Q We'll get to that. Weren't you concerned  
19 that somebody at the school would find out that you  
20 had been arrested?

21 A No, I didn't worry about it.

22 Q Now, did you have to go to court on that  
23 felony arrest?

24 A Yes, I went to like a little hearing.

25 Q How many different times?

1 A About two. About two times.

2 Q Did you have a lawyer represent you in  
3 connection with that felony arrest?

4 A Yes.

5 Q Was it a public defender or was it a  
6 private lawyer?

7 A Private lawyer.

8 Q You wrote in documents you gave to the  
9 School Board later that you were told by your  
10 lawyer that you could plead no contest to this and  
11 you would have a clean record.

12 A I can elect to attend a pretrial  
13 intervention program where after one year that my  
14 case would be dismissed because he stated to me  
15 that -- I guess they was charging us separately and  
16 not together. He stated to me it would be in my  
17 best interest to do that because it was going to be  
18 hard for me to get off because the car was in my  
19 name and seeing that the car is in my name it's  
20 saying that it's my possession. David admitted to  
21 saying that the drugs was his.

22 Q David Sears admitted that the drugs was  
23 his?

24 A Yes, he did and they still didn't want to  
25 let me go.

1 Q Did the police or any police agency try  
2 to take your car, the Cadillac that the drugs were  
3 in by forfeiture?

4 A Yes, they did.

5 Q They did take the car?

6 A Yes, they did.

7 Q Then you went to two different hearings.  
8 At some point you entered a plea of no contest?

9 A Yes, I think that's what it was, no  
10 contest.

11 Q Also entered a pretrial intervention  
12 program?

13 A Yes.

14 Q Tell me what that pretrial intervention  
15 program consisted of.

16 A It consisted of classes on drug  
17 treatment.

18 Q Now, had you ever used drugs before this  
19 arrest?

20 A No.

21 Q Never?

22 A No.

23 Q Had you ever been with Mr. Sears when he  
24 was using drugs?

25 A No.

1 Q So it's your testimony he didn't use  
2 drugs in your presence?

3 A No, not as I know. I never know him to  
4 use drugs.

5 Q Were you surprised when you heard that  
6 there was all these drugs in your car?

7 A Yes, I was surprised.

8 Q You were aware that he had been --  
9 Mr. Sears had been arrested previously and spent  
10 time in jail; correct?

11 A Yes. But to my knowledge he had stopped.

12 Q And yet after he came out of jail you  
13 married him?

14 A Yes.

15 Q Now, you said that the pretrial  
16 intervention program you had to attend classes and  
17 then you mentioned something about a one year  
18 period after that?

19 A No, that was for one year I had to attend  
20 counseling classes.

21 Q What happened to your knowledge if --  
22 what would have happened?

23 A After it was complete.

24 Q If you had not successfully completed  
25 that pretrial intervention program?



1 A I could have been charged for the arrest  
2 I guess. I had to --

3 Q You could go back to jail?

4 A It could have either gone to jail or  
5 probation or whatever. Either way so I'm not sure.

6 Q But that's where I'm curious why you  
7 wouldn't tell somebody at the school that you faced  
8 this potential of going to jail.

9 MR. BERKOWITZ: Object to the form of  
10 the question.

11 BY MR. ROGERS:

12 Q Is there a reason why you didn't tell  
13 someone at the school board that you were in this  
14 pretrial intervention program?

15 A For one reason I had no doubt that I  
16 wouldn't complete the one year pretrial  
17 intervention program.

18 Q Was Mr. Sears already incarcerated and  
19 out of the picture at this point?

20 A He was out.

21 Q He was out of jail?

22 A Yes.

23 Q You married him on July 21st 1995?

24 A Yes.

25 Q Was he living with you after that point

1 in time full time?

2 A After that time he moved in.

3 Q When, if you recall, did he finally get  
4 put in jail?

5 A Yes, he did. He had to go back to court  
6 on the cocaine charges. The reason I married my  
7 husband is because the six weeks that he was  
8 incarcerated he became -- he turned his life around  
9 while he was in there and he became saved and I  
10 trusted and believed in that so for that reason I  
11 married him.

12 I had been with him for all those years  
13 and I believe that he had changed so that's why I  
14 married him. The six weeks that he was in there  
15 for the murder and cocaine charges he accepted  
16 Christ as his personal savior and once he did that  
17 when he got out he wanted to get married so that's  
18 why I married him.

19 Q Now, to your knowledge was he arrested  
20 again or was he arrested again in 1996 for cocaine  
21 possession charges?

22 A I can't remember. I think so.

23 Q Did he go back to jail or what happened?

24 A He went to prison. He went to prison. I  
25 know he went to prison on a cocaine charge.

1 Q This was after he had already been  
2 arrested on the homicide and let go?

3 A Yes, but he wasn't let go. He was only  
4 out on a bond so he still was facing that charge,  
5 the cocaine charge.

6 Q So if he went to prison in 1996 it would  
7 have been on that same cocaine charge?

8 A Right.

9 Q You're still married to the gentleman;  
10 correct?

11 A Yes, I am.

12 Q Has he been arrested for anything since  
13 then?

14 A No.

15 Q Nothing at all?

16 A No.

17 Q Now, you mentioned that you had worked in  
18 Broward as well as what I'll call casual substitute  
19 which is somebody who just moves from school to  
20 school or develops a relationship as an interim  
21 substitute. Tell us what an interim substitute is.

22 A An interim substitute is where you  
23 substitute in a subject area where I substitute in  
24 the ESE class. I actually had been substituting in  
25 that class all year. I had been in that class all

1 year and in February after they weren't able to  
2 hire any more teachers I was able to stay in that  
3 classroom and receive teacher's pay, beginning  
4 teacher's pay for the rest of the year.

5 Q That was by my records as of say  
6 March 1998 through June 1998; is that correct?

7 A Right. I had been in the class I think  
8 about since like September but the teacher's pay  
9 kicked in in March.

10 Q You sure you had been in that class since  
11 September?

12 A Yes, I think it was around September  
13 because when I was at the school I was a pool sub  
14 there and I went from a pool sub to being placed in  
15 that classroom.

16 Q As an interim sub that meant that you  
17 were only -- you could only be employed in the end  
18 of the school year; is that correct?

19 A Yes.

20 Q Did you get paid differently as an  
21 interim sub?

22 A Yes, I got beginning teacher's pay.

23 Q Do you remember what you were getting as  
24 a substitute?

25 A I was a pool sub. Twelve dollars an hour

1 at seven point five hours a day and that was every  
2 day because the pool sub is just like -- you don't  
3 get benefits but you work every day.

4 Q I show that you were a pool substitute  
5 from October 1996 to June 1996; is that right?

6 A That's correct.

7 Q And what school were you at as a pool  
8 sub?

9 A Lauderdale Manors Elementary.

10 Q If I understand you correctly as a pool  
11 substitute you were reporting to the same school  
12 every day?

13 A Yes, you're at that location every day.

14 Q You just fill in for whatever classes  
15 they need?

16 A Right. They don't even call you. If  
17 they don't have an assignment for you to do you do  
18 something in the office.

19 Q Then I also show that you were a pool  
20 substitute from October 1997 through March of 1998?

21 A Yes. That's what I was but in one class.  
22 See, as a pool sub you're supposed to shift from  
23 classroom to classroom whenever the teacher is  
24 absent you plug in so from whatever date it was.

25 Q I know it's October.

1           A       When I went to Lauderdale Middle I was  
2 hired as a pool sub so what I was supposed to plug  
3 in for whatever teacher was absent but because of  
4 my job performance I was put in a class where a  
5 teacher was out and I stayed in that class until  
6 the rest of the year to the end of the school year  
7 but they changed my pay from pool sub to interim  
8 sub where as the interim sub you get teacher's pay  
9 so it went from pool sub to interim sub.

10          Q       As an interim sub that was at Lauderdale  
11 Middle?

12          A       Lauderhill Middle.

13          Q       As an interim sub did you get benefits?

14          A       No, no benefits.

15          Q       But you did get paid at the beginning  
16 teacher's rate?

17          A       That's correct.

18          Q       Now, in the complaint in this action and  
19 we'll go over the complaint allegation by  
20 allegation after lunch but you state that in the  
21 beginning of the 1998, 1999 school year you were  
22 offered a full time teaching job; is that correct?

23          A       What happened is after the end of the  
24 year when I was an interim sub what they do is the  
25 principal normally tells the teachers who is coming

1 back and who is not coming back. At the end of the  
 2 year she had assigned me to coming back to that  
 3 classroom but she was going to hire me as a teacher  
 4 out of field so at the beginning of I think it was  
 5 '98 when school started the following year I was  
 6 there the first week of school in that same  
 7 classroom. It was a matter of going through the  
 8 paperwork, the correct paperwork in order to hire  
 9 me.

10 Q But you were still being paid as a  
 11 substitute?

12 A Interim sub but when I started back at  
 13 the beginning of the year I had to drop back down  
 14 to sub until she hired me.

15 Q What was the name of the principal?

16 A Rebecca Dahl, D-a-h-l.

17 Q Was Ms. Dahl under the impression that  
 18 you had all the credentials you needed to be hired  
 19 as a full-time teacher?

20 A Yes.

21 Q Who had told her that?

22 A Who told her?

23 Q Yes.

24 A You said who told her that?

25 Q Right.

1 A I showed her my Florida teacher's  
2 temporary teaching certificate and I had a degree.

3 Q Let's go through that again. Let me show  
4 you a document bate stamped 0219 through 0222 and  
5 ask if you can identify that for me?

6 A Yes.

7 Q What is that document?

8 A This is a statement Eligible for  
9 Department of Education which comes from  
10 Tallahassee which is giving you permission to teach  
11 temporarily for two years only on the stipulation  
12 you complete the coursework and teacher's  
13 examinations.

14 Q Now, the date on this document appears on  
15 the front as February 24th 1998?

16 A Yes.

17 Q Did you receive it around that time?

18 A Yes.

19 Q On this document on the first page states  
20 I guess it's the third full paragraph "based upon  
21 current requirements, you will be eligible for a  
22 two-year nonrenewable temporary certificate valid  
23 for two consecutive school fiscal years covering  
24 middle grades social science (5-9) when" colon and  
25 then it requires you to complete the following



1 requirements which is three semester hours in  
2 western civilization etcetera and three semesters  
3 hours in geography.

4 A That's correct.

5 Q So this says you would be eligible for a  
6 full-time teaching certificate if you completed  
7 those requirements?

8 A I am eligible for two years and after the  
9 two years if I don't complete it then I'm not  
10 eligible for non-renewable. This is saying that  
11 I'm eligible for two years.

12 Q You read it differently than I do but did  
13 you discuss this document with anybody from the  
14 School Board?

15 A No, I didn't.

16 Q But you understood this as meaning that  
17 you were eligible to teach?

18 A Yes, for two years.

19 Q Without taking these courses?

20 A Yes, I have two years to complete this.  
21 After the two years it cannot be renewed if I  
22 didn't complete what I had to complete in here.

23 Q Who did you get that understanding of  
24 this document from?

25 A I talked to several teachers about it. I

1 know several teachers that is teaching under  
2 this -- this allows you to teach for two years and  
3 complete everything that you need to complete and  
4 if you don't complete it within two years then  
5 you're not allowed to renew it. That's why I said  
6 renew. Non-renewable. With this I can teach for  
7 two years.

8 Q Did you ever discuss your understanding  
9 of this document again we're talking about 0219  
10 through 222 bate stamped with anyone in  
11 instructional staffing from the School Board?

12 A No, I didn't discuss it with them. They  
13 asked me did I have this. This is one of the  
14 requirements. You have to have this. If I didn't  
15 have this I wouldn't be eligible to teach and the  
16 principal knows that. That's why she went to hire  
17 me. She knows without this she couldn't hire me.  
18 I discussed it with her. She said did I have a two  
19 year temporary teaching certificate. I told her  
20 yes and by telling her yes she knew she would be  
21 able to hire me.

22 Q Did you show her this document?

23 A Yes, she seen it.

24 Q This is Rebecca Dahl that we're talking  
25 about?

1 A Yes. She was going to sign an out of  
2 field waiver because I was doing ESE and she  
3 switched me over to science.

4 Q This principal, Ms. Dahl, was under the  
5 impression she could hire you as a teacher in an  
6 out of field waiver. Explain to me what your  
7 understanding of an out of field waiver is.

8 A Meaning that with this -- see, with the  
9 School Board it's a lot of different ways that they  
10 can hire you. The out of field waiver where she  
11 took me from ESE first she was going to hire me in  
12 ESE the class I was in she was going to hire me as  
13 teacher and sign the out of field waiver.

14 I don't know how long you can do it but  
15 you can teach out of field. They can sign it if  
16 they got a legit reason they can sign an out of  
17 field waiver in order for you to teach an out of  
18 field area meaning that out of social science. I  
19 have a two year temporary permit that will permit  
20 me to teach in social science. This is saying that  
21 I could teach in social science grades five through  
22 nine so she was going to sign out of field waiver  
23 because she wanted me to do ESE.

24 Q Did she lead you to believe that she  
25 could approve an out of field waiver by herself?

1 A No, she knew she was going to have to get  
2 it signed off.

3 Q By an area superintendent and all the way  
4 up the chain of command; correct?

5 A What she had to go through I don't know  
6 but that's what she was going to do.

7 Q Just back up for me and tell me what she  
8 said to you and what you said to her with reference  
9 to your being hired in a full-time position for the  
10 1998, 1999 school year?

11 A That she was going to hire me in social  
12 science. She brought me back at the beginning of  
13 the year to hire me in ESE but she changed it. She  
14 needed someone in social science. She moved me  
15 from ESE to science.

16 When I moved over to science that's when  
17 she spoke to me and told me she was going to see  
18 about doing a -- I think an out of field waiver and  
19 that she wanted me to go downtown to get cleared so  
20 she got me off work to go down and get cleared.

21 Q Now, this is at the beginning of the  
22 1998, 1999 school year?

23 A Yes.

24 MR. ROGERS: We better put this in  
25 before we forget about it. Defendant's

1 Exhibit No. 8 will be the document dated  
2 February 24, 1998 bate stamped 0219 through  
3 0222.

4 (Defendant's Exhibit No. 8 was  
5 marked for identification.)

6 BY MR. ROGERS:

7 Q Let me show you a document that's bate  
8 stamped 0113, 0114. It appears to bare your  
9 signature on the second page dated September 16,  
10 1998 and ask if you can identify that for me?

11 A Yes, this is application for  
12 instructional teaching.

13 Q This is an application for what?

14 A Teachers. Any instructional position.  
15 This is for regular teaching, not substitute.  
16 Substitute teaching is non-instructional.

17 Q Substitute teaching hopefully is  
18 instructional but this is for a full-time job as  
19 opposed to a sub job; is that right?

20 A Right.

21 Q And you stated on here that you have a  
22 two year temporary certificate down towards the  
23 bottom?

24 A Oh, yes.

25 Q Now, help me if you can, the line right

1 below that talks about if you have applied for a  
2 Florida educator's certificate. What's the date  
3 that you say you applied for that certificate?

4 A I can't actually read it. It looks like  
5 something was changed. I can't read the first  
6 part. I see the 24, '98.

7 Q What's the date on the previous exhibit?

8 A On here?

9 Q Yes.

10 A The 24th. February 24th.

11 Q Had you applied for a Florida teacher's  
12 certificate before February 24th 1998?

13 A I'm not sure if this is when I received  
14 the certificate but I had to put in for it ahead of  
15 time so I don't know what date that I actually  
16 applied for it. I think this was the date that I  
17 received it back, the clearance date.

18 Q The document that's in front of you  
19 though is your application for a full-time teaching  
20 position dated September 16th 1998?

21 A Yes.

22 Q Is that correct?

23 A Yes.

24 Q Now, you mentioned your principal sent  
25 you down to get clearance?

1 A Right.

2 Q Is the date that you went to the School  
3 Board to get clearance the same date that you  
4 filled out this document, September 16, 1998?

5 A That I can't remember. It was in  
6 September. I don't know the exact date. I went  
7 down to fill out this application and to put in for  
8 full-time teaching.

9 Q I think we'll be able to clear that up as  
10 we go along. When you say you went down where did  
11 you go to?

12 A To the actual School Board downtown  
13 Ft. Lauderdale across from the courthouse. The  
14 administration building.

15 Q Do you know who you talked to when you  
16 went there?

17 A No. Actually I turned in all the  
18 information I needed to turn in. I know everything  
19 had to go through the security clearance  
20 department.

21 Q Did you have these documents before you  
22 went to the School Board main office building?

23 A I picked it up. I picked it up and  
24 brought everything back in.

25 Q So you had all these documents already

1 filled out at the point in time when you showed up  
2 to get clearance?

3 A Yes.

4 MR. ROGERS: Let's make this the next  
5 exhibit. Again it's 0113, 0114 application  
6 dated 9/16/98.

7 (Defendant's Exhibit No. 9 was  
8 marked for identification.)

9 BY MR. ROGERS:

10 Q Let me show you the next document. It's  
11 bated stamped 0139, 0140 as bearing the date of  
12 9/16/98 and ask if you've seen that before?

13 A Yes.

14 Q Is that your signature that appears on  
15 the second page of the document 0140?

16 A Yes.

17 Q Had you picked this document up and  
18 filled it out previously as well?

19 A Yes, it was along with this. All this  
20 was together. It was a packet.

21 Q So the prior exhibit which was number  
22 nine and this -- these two pages were all part of  
23 one packet?

24 A Right.

25 Q Now, had you discussed with the principal



1 you say that wanted to hire you the fact that you  
2 had this arrest on your record?

3 A No, I didn't.

4 Q Is there a reason why you didn't do that?

5 A No, because the case was dismissed so I  
6 didn't figure I needed to discuss it with them.

7 Q Did anybody ever tell you that the fact  
8 that a case was dismissed doesn't mean anything for  
9 a teacher or anybody who works with kids?

10 A No, they didn't.

11 Q Now, you filled this out and you show --  
12 again referring to page 0140 you showed date of  
13 arrest 6/95. Did you provide a copy of the police  
14 report at the point in time where you submitted  
15 this document?

16 A Yes, I did. I had to provide the police  
17 report along with deposition showing that the case  
18 was dismissed.

19 Q When you submitted this the first time  
20 there on whatever date, 9/16 or the day you went to  
21 the School Board building to turn all this stuff  
22 in?

23 A All of it was submitted at one time along  
24 with the application.

25 Q In this form on the second page you say

1 you were ordered to attend a pretrial intervention  
2 program?

3 A Under the counsel of my lawyer. A judge  
4 didn't order me to attend it. A judge didn't order  
5 me to do that.

6 Q Meaning you pled no contest to a felony  
7 charge of cocaine possession with the understanding  
8 that you would go into a pretrial intervention  
9 program; correct?

10 A Right, and my case would be dismissed.

11 Q Provided you completed the program after  
12 one year?

13 A Right.

14 Q You never told Rebecca Dahl, the  
15 principal at the school that you were talking about  
16 that you had been arrested or had been in this  
17 program?

18 A No, after the fact. After the fact.

19 Q When did you tell her after the fact?

20 A I guess someone from the School Board  
21 called her and asked her did she know about it and  
22 I guess she told them no and she called me into the  
23 office and questioned me about it and I told her  
24 what had happened.

25 Q What did she tell you?

1 A She gave me instructions on how to file  
2 an appeal and I had to write the appeal to  
3 Mr. Harold Blitman and also the lady over security  
4 clearance told me what I needed to do. I had to  
5 file an appeal with the School Board which I tried  
6 to do on my own. I wrote the letter to Mr. Harold  
7 Blitman and it still was denied.

8 MR. ROGERS: Let's go ahead and mark  
9 this before we get into the rest of it. This  
10 is Defendant's Exhibit No. 10, document 0139,  
11 0140.

12 (Defendant's Exhibit No. 10 was  
13 marked for identification.)

14 MR. BERKOWITZ: Off the record for a  
15 minute.

16 (Discussion held off the record.)

17 (Thereupon, a short recess was  
18 taken.)

19 BY MR. ROGERS:

20 Q We are back on the record and it's now  
21 about ten minutes after one. Now, as far as the  
22 security background check that's now -- the  
23 security form that you filled out that's attached  
24 to your deposition as Exhibit 10, that was  
25 something I think you already said and I apologize

1 for going back over it but you had filled out ahead  
2 of time?

3 A Right.

4 Q And you had not discussed it with the  
5 principal at your school until after you found out  
6 that security clearance committee had rejected you?

7 A Yes.

8 Q How did you find that out?

9 A Through the principal. She came --

10 Q The principal --

11 A I was in the classroom and she had one of  
12 the office staff to come to the classroom and  
13 escorted me out of the classroom and she had  
14 someone to cover my class and I went up to her  
15 office and she spoke with me about this, about the  
16 case.

17 Q What did she tell you?

18 A She asked me about the arrest on my  
19 application and she asked me was it true and I told  
20 her yes and she told me that my application is not  
21 really rejected now, that I can file an appeal  
22 because she don't know whether they can deny me --  
23 deny me from being employed because the case was  
24 dismissed. She said as long as I didn't have a  
25 conviction and she asked me was it a conviction and

1 I told her no.

2 Q Now, do you know about when that happened  
3 as far as when the principal called you to her  
4 office and said security clearance has rejected  
5 you?

6 A It was sometime in September.

7 Q You said --

8 A Around about this date. It was like --  
9 when I turned in this information it was like a  
10 week or so.

11 Q Now, did your principal indicate that she  
12 was surprised that you hadn't told her about the  
13 arrest?

14 A No. She said she had had a similar case  
15 where she had worked with another teacher before  
16 that had been in trouble.

17 Q Did she tell you the name of that  
18 teacher?

19 A No, she didn't.

20 Q What was the outcome in that similar  
21 case?

22 A I think the person got their job back. I  
23 don't know the details of the case or what happened  
24 but she had worked with someone. She helped  
25 them -- got cleared. They had been in some type of

1 trouble. I don't know in detail what it was that's  
2 why she told me what to go through. She had talked  
3 to Gracie Diaz.

4 Q Now, let me show you another document and  
5 ask if you can tell me if you received that or not?

6 A Yes, I received that.

7 Q Is that your signature on the return  
8 receipt on the second page?

9 A Yes.

10 MR. ROGERS: Now, we're referring to  
11 for the record to bate stamp 0154 a letter  
12 dated October 7th 1998 to Ms. Sears from  
13 Ms. Gracie Diaz, director of instructional  
14 staffing and a return receipt dated  
15 October 14th, 1998. Let's go ahead and put  
16 that in as 11.

17 (Defendant's Exhibit No. 11 was  
18 marked for identification.)

19 BY MR. ROGERS:

20 Q If you look at that document on  
21 October 14th you already knew for some time prior  
22 to that from your principal that security clearance  
23 had rejected you as unemployable by the school  
24 district; correct?

25 A Right.

1 Q When the principal came and took you out  
2 of the classroom and took you to her office did she  
3 let you go back to the class and continue teaching  
4 that day?

5 A No, she wasn't allowed.

6 Q Did you remain working for the rest of  
7 the day?

8 A No.

9 Q So you just basically went home?

10 A Right. She wasn't allowed to let me go  
11 back into the classroom. They called her.

12 Q Do you know who called her?

13 A I think she spoke with Gracie. Gracie  
14 Diaz.

15 Q But you weren't there for the  
16 conversation?

17 A No.

18 Q And she didn't say who called her?

19 A She said she spoke with Gracie Diaz.

20 Q And then the principal and we're speaking  
21 again about Ms. Dahl?

22 A Right.

23 Q Told you she had worked with another  
24 teacher and was able to get things cleared up?

25 A Right.

1 Q And also told you about the appeal  
2 process?

3 A Right.

4 Q Let me show you the next document and see  
5 if you can identify that for me (Indicating).

6 A Along with the -- I can't remember her  
7 name but I was speaking with another lady that was  
8 over the security clearance department. She was  
9 telling me about the procedures that I had to take  
10 to -- in order to file the appeal.

11 Q Do you know who?

12 A I can't remember her name.

13 Q Was it before you sent this letter on or  
14 about October 6th 1998?

15 A It was before because it was two letters  
16 that I ended up sending. It was before.

17 Q Well, this is a one page document dated  
18 October 6, 1998 to Mr. Hal Blitman, B-l-i-t-m-a-n,  
19 Associate Superintendent of District Administration  
20 from yourself bated stamped 0145. Now, was this the  
21 whole appeal, this one document?

22 A No, there was another one before this.  
23 This is the one that -- actually it was one that  
24 she advised me on and I think this was the one.  
25 This was the second notice. It was one that I sent



1 before I think. Before this one.

2 Q When you say she advised you on?

3 A Ms. Dahl.

4 Q Do you have a copy of that document  
5 because it wasn't something that your counsel had  
6 apparently because it wasn't provided to us?

7 A I probably have it at home somewhere  
8 because it was two of them I sent. I think this is  
9 the second one I sent.

10 Q I take it the first one that you sent was  
11 sometime before October 6th?

12 A I think so.

13 Q That was something that Ms. Dahl helped  
14 you put together?

15 A She just -- she actually didn't. She  
16 read over it before I sent it in.

17 Q Now, this is after she's taken you out of  
18 the classroom sometime in September and sent you  
19 home and not allowed you to teach any more?

20 A Yes.

21 Q Did you go back to the school and meet  
22 with her and ever read over the --

23 A I went back to the school. Her secretary  
24 typed it up for me.

25 Q The secretary actually typed it for you?

1 A Yes.

2 Q Do you recall what that one said if it  
3 was anything different than this one referring to  
4 0145?

5 A It was -- basically the same but worded  
6 differently.

7 Q Why did you send two of them?

8 A I can't remember. I can't remember the  
9 reason why I sent the second one.

10 Q Meaning is the second the one we've got  
11 in front of you now?

12 A This is the second one.

13 Q When you sent this, speaking of the  
14 letter dated October 6, '98, was this all that was  
15 with it or were there other documents?

16 A This was all that was with it.

17 Q When you sent the first one was it also a  
18 one page document?

19 A Yes.

20 Q Did you ever meet with Mr. Blitman about  
21 this?

22 A No, I didn't meet with him. They say  
23 they had a hearing on it but I wasn't there.

24 Q Did you ask for a meeting with  
25 Mr. Blitman?

1 A Yes, I filed for the appeal. I didn't  
2 directly ask for a meeting with him. I filed for  
3 an appeal and he said it was reviewed but I wasn't  
4 present when it was reviewed and I know similar  
5 teachers that has been in trouble that I had spoken  
6 to that had an appeal deal with the School Board  
7 and they was there actually at the appeal.

8 Q Were these people substitute teachers or  
9 were these full-time teachers?

10 A I don't know whether they were subs at  
11 the time or full-time teachers but they're  
12 full-time teachers now. I think they was going  
13 through clearance just like I was.

14 Q And you say that these are teachers that  
15 you know that had a meeting with whom?

16 A I don't know directly who they had one  
17 with or what I don't know the names but they went  
18 for an appeal.

19 Q And they actually physically had a  
20 hearing in front of someone?

21 A Right. They was there for the appeal  
22 which I wasn't present.

23 Q Now, you filed this appeal. You never  
24 asked for a meeting directly with Mr. Blitman?

25 A No.

1 Q Why didn't you?

2 A Because once I called and asked about the  
3 appeal they said that it was already reviewed and  
4 that they had already made a decision so I didn't  
5 want to go further in details by myself. After  
6 that time that's why I seeked for a lawyer because  
7 I didn't think that I was going to be able to get  
8 to him myself.

9 MR. ROGERS: Let's go ahead and put  
10 this one in. This is 0145, October 6th 1998  
11 as Defendant's Exhibit No. 12.

12 (Defendant's Exhibit No. 12 was  
13 marked for identification.)

14 BY MR. ROGERS:

15 Q Let me show you the next document on  
16 this. For purposes of the record this is a letter  
17 dated December 10, 1998. It appears to be to you  
18 from Gracie Diaz Director of Instructional Staffing  
19 with someone else having signed her name for  
20 Ms. Diaz, one page document bate stamped 0156. Do  
21 you recall having received this document?

22 A Yes.

23 Q Now, this indicates that the security  
24 clearance committee met on November 24th 1998 and  
25 denied your appeal. There's a long time frame in

1 here between when you were taken out of the  
2 classroom and when you finally get this notice or  
3 the security clearance committee meets for the  
4 second time on November 24. What, if anything,  
5 were you doing during that period to try to have  
6 any meetings or get any hearings?

7 A No, I had to wait on their response  
8 because I had to contact them through letters so it  
9 was on their time. I had to wait until they got  
10 back to me. Every time I kept calling they kept  
11 saying we're reviewing it. The information got to  
12 the correct department so I had to wait on them.

13 MR. ROGERS: Let's go ahead and attach  
14 this as Defendant's Exhibit No. 13.

15 (Defendant's Exhibit No. 13 was  
16 marked for identification.)

17 BY MR. ROGERS:

18 Q Now, you spoke earlier about knowing  
19 about other teachers that did receive some sort of  
20 a hearing in front of someone whereas you didn't.  
21 Can you give me any names on people that you know  
22 that had hearings?

23 A Yes, but I don't know if I want to  
24 involve them.

25 Q All you would be doing is saying they had

1 hearings. That's nothing wrong either way.

2 A I would rather not answer.

3 Q You don't have a choice unless he directs  
4 you not to answer.

5 A Do I have a choice to involve them?

6 MR. BERKOWITZ: I think you have to  
7 answer the question.

8 BY MR. ROGERS:

9 Q All you'll be saying is they had  
10 hearings.

11 A Okay, Rodney Gray and Mr. Green. I don't  
12 know his first name. He was at Lauderhill Middle.

13 Q Mr. Green from Lauderdale Middle?

14 A Lauderhill.

15 Q I keep doing that.

16 A That's okay.

17 Q Who was the first one?

18 A Rodney Gray.

19 Q Do you know about when these hearings  
20 occurred?

21 A No.

22 Q Do you know whether either one of these  
23 two individuals were already under contract with  
24 the School Board at the point in time when they had  
25 hearings?

1 A No. I don't know. I don't know the  
2 answer. What I'm saying when I say no I don't  
3 know.

4 Q That's fine. Do you know if -- I may  
5 have asked this but just for clarity purposes do  
6 you know who these two people had hearings in front  
7 of?

8 A No.

9 Q You don't know whether it was School  
10 Board or the security clearance committee?

11 A It was the School Board but I don't know  
12 whether it was security clearance committee or  
13 higher, I don't know.

14 Q Now, in reference to the security  
15 clearance committee you talked -- I think you said  
16 before that you talked to two different people one  
17 of them being Gracie Diaz.

18 A Actually I didn't really talk to Gracie  
19 Diaz that much. I can't remember. It was one  
20 young lady it was an older lady that was -- I want  
21 to say her first name was Mary but I can't remember  
22 that she was helping me out with security clearance  
23 department and she was telling me which steps they  
24 had to take. I think it was a grace period in  
25 between like thirty days before they can review.

1 They had thirty days to review the appeal. I can't  
2 remember now. I think it was Mary I'm not sure.

3 Q Let me show you that. This is the -- you  
4 tell me if you've ever seen that before. That's  
5 easier.

6 A Have I ever seen this before?

7 Q Yes.

8 A No.

9 Q For the record we're speaking of a one  
10 page document dated July 16, 1998 bate stamped  
11 0053. If you look at the people listed on the  
12 portion of the memorandum did you have occasion to  
13 speak to any of these people that were on the  
14 security clearance committee either before your  
15 application was rejected or between that period and  
16 the appeal?

17 A Did I have a chance to speak with them?

18 Q Right. Or did you speak with them?

19 A I can't remember whether I spoke with  
20 Ms. Diaz but it was someone I spoke to in Ms. Diaz'  
21 office that told me to just reapply in the next  
22 year. Just give it one year and then reapply again  
23 but I can't recall the name.

24 Q This was just somebody that you spoke to  
25 on the telephone?



1 A Right.

2 Q We think it may have been Mary?

3 A No, this wasn't Mary. This is someone  
4 that was Ms. Diaz' office.

5 Q Whoever that person was suggested that  
6 you let it go and apply again the following year?

7 A Right.

8 Q Did you ever receive anything in writing  
9 to that effect?

10 A No.

11 Q I think you already told us you never had  
12 a face-to-face meeting with Hal Blitman?

13 A No, never.

14 Q Did you ever have a face-to-face meeting  
15 with Sheila Dudley?

16 A No.

17 Q Never met with Ms. Diaz?

18 A No.

19 Q How about Chief Hardy of the school  
20 police department?

21 A No.

22 Q Rebecca Jones from employee relations?

23 A I can't remember meeting with any of  
24 those.

25 Q Anybody on this list you can't remember

1 meeting with?

2 A No.

3 MR. ROGERS: Let's put this in as  
4 Defendant's Exhibit No. 14.

5 (Defendant's Exhibit No. 14 was  
6 marked for identification.)

7 BY MR. ROGERS:

8 Q Let me show you a document, two pages  
9 bated stamped 0120, 0121 dated September 29, 1998  
10 and ask if you've seen that before?

11 A Yes, I've seen this before.

12 Q Now, as of this point in time in 1998 to  
13 your recollection had you already been taken out of  
14 the classroom?

15 A I think so. Yes, I think so. Yes, this  
16 came after the fact.

17 Q So this went to your home after the fact  
18 after you had already been taken out of the  
19 classroom by principal Rebecca Dahl?

20 A Right.

21 Q Now, this indicates that you have to  
22 provide instructional staffing with credential  
23 evaluation from the department of education. Did  
24 you ever do that?

25 A Yes, that's the two year temporary permit

1 that I was telling you from Tallahassee.

2 Q When did you do that? When did you  
3 provide this information after September 29, 1998?

4 A I think it was information that they had  
5 already. I can't recall. I don't know if they  
6 already had this and they needed another copy of  
7 it. I think I still took it down there and dropped  
8 it off. After this date. I think I dropped  
9 another one off after this date. When I dropped it  
10 off I didn't tell them the situation that I have  
11 still put it in my file.

12 Q Do you know who you spoke to that day?

13 A No, just people at the front desk that  
14 you give the information to and they put it in your  
15 file. I think it was after this date.

16 Q Is that in the employment center in  
17 the --

18 A Bottom floor.

19 Q First floor of the downtown  
20 administration building?

21 A That's correct.

22 Q It only shows here that you have two  
23 references when you're supposed to have three.

24 A I only needed two because I already had  
25 three from the -- from subbing and they told me

1 these were the only two I needed.

2 Q This other document you gave them is the  
3 document we already have in evidence that you say  
4 is your eligibility or your certificate of  
5 eligibility that was a two year certificate?

6 A Right. Ms. Dahl sent her letter of  
7 reference and Mr. Buchanan sent his letter of  
8 reference. This was the principal at the middle  
9 school Rebecca Dahl.

10 Q But at this point in time in September of  
11 1998 Ms. Dahl had already removed you from the  
12 classroom because security clearance had rejected  
13 your application; correct?

14 A Exactly.

15 MR. ROGERS: Let's attach it as 15.  
16 (Defendant's Exhibit No. 15 was  
17 marked for identification.)

18 BY MR. ROGERS:

19 Q Now, let me show you a document that  
20 appears to be an official transcript. Actually it  
21 says unauthorized copy but an official transcript  
22 of Phillips University, Inc. in Enid, Oklahoma.  
23 Can you identify that and tell me what it is?

24 A These are classes whenever she had me in  
25 ESE department, the ESE department these are

1 classes I took because I was going to school  
 2 because I was going to switch over from social  
 3 science to the ESE department so I took courses  
 4 within that field so I could become certified in  
 5 that field so these are college courses that I  
 6 completed and I had them sent to the school board.

7 Q I presume that you sent a document  
 8 different than an unauthorized copy of a transcript  
 9 to the School Board?

10 A No, it was the official transcript. I  
 11 think that the main one went to Tallahassee and  
 12 this one went to the School Board so it can go in  
 13 my files.

14 Q Were you ever advised that these courses  
 15 didn't meet the requirements on what you called the  
 16 certificate of eligibility?

17 A Yes, because I was going in a different  
 18 field. I knew that.

19 Q So you had not complied with the  
 20 requirements on the certificate?

21 A Yes, I had. Some of these courses would  
 22 overlap this here. You can take -- you don't have  
 23 to take direct courses they're saying. They have  
 24 other courses that would substitute for those  
 25 courses.

1 Q Who told you that?

2 A Tallahassee.

3 Q Do you know who you talked to in

4 Tallahassee?

5 A No.

6 Q Have you ever spoken to anyone in  
7 academic certification of Broward School Board?

8 A No.

9 Q So you have never spoken with Diane  
10 Gordon or any of the people in credentials and  
11 certification?

12 A No.

13 Q Why is that?

14 A I didn't need to.

15 Q Were you told by someone in Tallahassee  
16 that these courses met the requirements for this  
17 temporary teaching certificate?

18 A This has nothing to do with this. I was  
19 going in a different area and I knew what classes  
20 to take for me to go in that different area.

21 Q So you were not trying to meet the  
22 requirements?

23 A I had time. I had two years. My two  
24 years expired -- I only had two courses to take  
25 which would take six weeks to take two classes so I

1 had two years to do that temporary certificate. I  
2 was working on two things at once and I had more  
3 classes to take for ESE so I started those courses  
4 first.

5 Q Again, we're speaking of the  
6 February 24th 1998 document to you from Bureau of  
7 Teacher Certification Florida Department of  
8 Education subject statement of eligibility?

9 A Okay.

10 Q And is it your understanding that you did  
11 not have to take the courses that are listed in  
12 this February 24th document that's date stamped  
13 0219 in order to be eligible to teach as a  
14 full-time teacher in Florida?

15 A No, this had nothing to do with this. I  
16 had two years which just expired January of this  
17 year. This was done in '98. I was going in a  
18 different direction. I could be certified in two  
19 years. I decided to start this first and then I  
20 could do this. It only takes me six weeks to  
21 complete two courses for social science.

22 Q Did you ever complete the two courses  
23 that they spoke to of in this February 24th 1998  
24 letter?

25 A No, because I was terminated so I didn't

1 do that. I put everything on hold to find out was  
2 I going to be cleared through Broward County School  
3 Board.

4 Q But as of December 10th you knew or  
5 whatever the date of the letter is where your  
6 appeal had been denied you knew you were not going  
7 to be cleared through the Broward County School  
8 Board?

9 A That's why I got a lawyer. So I put  
10 everything on hold.

11 Q So to this date you have not completed  
12 the two courses that are --

13 A That's correct.

14 Q One, three hours in geography and three  
15 hours in western civilization?

16 A That's correct.

17 Q Now, back to the document that's not bated  
18 stamped but it appears -- it's from Phillips  
19 University, Inc. and it bears a date of 7/17/98.  
20 Why did you submit this to the School Board?

21 A Because you have to do -- any courses you  
22 take you have to do an update and they put it in  
23 your file. Whatever area you want to go into it's  
24 already in your file and they calculate the hours  
25 and find out whether you're eligible to teach in



1 that area. The class that I had did my interim sub  
2 in was ESE class. I liked that class so I decided  
3 to go into that field so I knew what I had to do  
4 was take classes in that field in order to become  
5 certified in that field.

6 I was going to work on both of them at  
7 the same time. I had more courses to do in here so  
8 I started with the more courses that I had to do in  
9 ESE first. I was going to be double certified  
10 because I could file for temporary teachers permit  
11 in more than one area. You don't have to do it in  
12 one area. That's why I started this because I  
13 enjoyed working with the ESE kids rather than doing  
14 social science which only took me six weeks to  
15 complete this.

16 Q It would have been six weeks if you had  
17 not been working; correct?

18 A Yes.

19 Q When you say six weeks?

20 A Right.

21 MR. ROGERS: Let's attach this as  
22 Defendant's Exhibit No. 16.

23 (Defendant's Exhibit No. 16 was  
24 marked for identification.)  
25

1 BY MR. ROGERS:

2 Q Now, when you received the letter from  
3 personnel administrator Mickey Dillard that's  
4 already attached to your deposition dated  
5 September 29, 1998 that said you were eligible for  
6 substitute teaching only what did you think about  
7 that in view of the fact the principal had already  
8 taken you out of the classroom?

9 A I thought I was going to be able to sub  
10 and not just teach permanently in the classroom.

11 Q Were you able to sub?

12 A No.

13 Q What did you do, if anything, to try to  
14 get clearance to return as a substitute teacher?

15 A I called -- I don't know who I spoke  
16 with. I called down there again and they told me  
17 that I wasn't able to substitute either. I can't  
18 remember the names but I did a lot of phone calls.  
19 I didn't write anything down.

20 Q About when did you make these phone  
21 calls?

22 A After these letters when I received the  
23 letters.

24 Q Again, we have a span of time here  
25 between September 29th and sometime in December

1 when your appeal was denied.

2 A Actually every time I submitted a letter  
3 when I would call I would wait on their response  
4 because every time I would call they were saying  
5 they hadn't gotten to it yet and they had a certain  
6 amount of time to get to my appeal. There was  
7 nothing I could do. That's why I seeked for a  
8 lawyer because I wasn't getting through to  
9 anything.

10 Q Now, you mentioned other people before  
11 that you believed had received hearings from the  
12 School Board. Do you know of anyone who was in  
13 your situation meaning having had a felony criminal  
14 arrest or nolo plea or no contest plea and pretrial  
15 intervention who is now being permitted to  
16 substitute teach for the School Board?

17 A Do I know any?

18 Q Right.

19 A The guy's name that I gave you. They  
20 didn't go through the pretrial intervention program  
21 but they have an arrest record.

22 Q Do they have a conviction record to your  
23 knowledge?

24 A That I don't know.

25 Q Do you know of anybody else other than

1 the two folks you just mentioned?

2 A I don't know their names offhand but I do  
3 know of some more people.

4 Q Do you know what schools they're at, any  
5 way that we could try to identify them?

6 A No, but it's Broward County. I don't  
7 know what schools they are in.

8 Q Now, for the period while you were  
9 employed by the School Board I have here a document  
10 that appears to be a corrected W2 form bate stamped  
11 0190, 0191 and it skips one here. I guess it's  
12 because of -- then 0193 and 0194 and ask if you can  
13 identify that for me.

14 A Yes.

15 Q Can you tell me what happened with  
16 respect to this corrected form?

17 A I can't remember exactly what happened.  
18 I think I had a wrong figure or miscalculation and  
19 internal revenue corrected it.

20 Q Well, the W2 is normally issued by the  
21 School Board; correct?

22 A Right.

23 Q Why did the School Board issue this  
24 different W2 form?

25 A Oh this. The School Board -- I don't

1 know. They made the mistake with the W2 not me.

2 Q Well, did you file the document that's  
3 attached?

4 A This is '96. I can't remember.

5 Q Looks like it was filed 4/14/97 on bate  
6 stamp 0193?

7 A Why they did this I don't know. They  
8 made the correction. The School Board made the  
9 correction. I think this came after. I'm not sure  
10 why they made the correction.

11 Q I don't read your handwriting all that  
12 well but on 0193 I think the last entry I see is  
13 that your signature on 0193?

14 A Yes, that's my signature.

15 Q Line twenty it says amount you owe.  
16 What's the amount there?

17 A \$63.

18 MR. ROGERS: That is \$63 not \$6,000.

19 Let's go ahead and attach this as Exhibit 17.

20 (Defendant's Exhibit No. 17 was  
21 marked for identification.)

22 BY MR. ROGERS:

23 Q Going through this file last night I  
24 noticed your attorney said he produced 1998 tax  
25 returns, 1999 tax returns and one way or another I

1 don't have those. I'm not saying he didn't produce  
2 them. I'm just saying I don't have them. Did you  
3 file tax returns in 1999?

4 A Yes.

5 Q You still have copies of those?

6 A Yes, I have copies.

7 MR. ROGERS: Are you willing to produce  
8 those without --

9 MR. BERKOWITZ: We'll produce them.

10 BY MR. ROGERS:

11 Q Let me just cover that. Let me show you  
12 a two page document dated -- actually it's unsigned  
13 and undated but this was what was produced to us.  
14 It's bate stamped 0195 and 0196 and ask if that's a  
15 copy of your 1998 federal income tax return?

16 A Yes.

17 Q Does this accurately reflect your income  
18 for the year 1998?

19 A Yes.

20 Q If you look at the front page of this did  
21 you file this jointly with your husband?

22 A No.

23 Q Was there a reason you didn't file it  
24 jointly?

25 A No, I just don't -- I file separately.

1 Head of household.

2 Q Did you prepare this or did you go to  
3 someone else to prepare it like an H & R Block or  
4 tax preparer?

5 A No, me and a friend prepared it.

6 MR. ROGERS: Why don't we attach this  
7 one as Defendant's Exhibit No. 18.

8 (Defendant's Exhibit No. 18 was  
9 marked for identification.)

10 BY MR. ROGERS:

11 Q We know now at this point or do we, have  
12 you worked for the School Board of Broward County  
13 at all since you were removed from the classroom  
14 that day sometime we think in September 1998?

15 A No.

16 Q Have you ever reapplied for employment  
17 with the School Board?

18 A No.

19 Q Is there a reason why you didn't?

20 A Because they told me I wasn't employable  
21 with the Broward County School Board and I seek an  
22 attorney and I assume if I'm suing them they're not  
23 going to try to employ me until the situation is  
24 squared away.

25 Q But I thought you said that when you

1 spoke with someone on the telephone in  
2 instructional staffing they said wait a year and  
3 reapply?

4 A Right but at that time I had obtained a  
5 lawyer.

6 Q Did they know you obtained a lawyer as of  
7 that point?

8 A Yes.

9 Q But they're still saying wait a year and  
10 reapply?

11 A When the lady said wait a year and  
12 reapply she didn't know at that time that I had  
13 obtained a lawyer.

14 Q You never did reapply?

15 A No.

16 Q What have you been doing in the period  
17 since September 1998 as far as employment?

18 A Working for BETA and receiving  
19 unemployment.

20 Q When you say working for BETA what --

21 A Broward County Employment and Training.

22 Q I'm familiar with the agency. What have  
23 your hours been, have you been working forty hours  
24 a week?

25 A Yes, only on a part-time basis which was



1 summer.

2 Q So you worked forty a week during the  
3 summer?

4 A Yes.

5 Q Of what years?

6 A '96, '97, '98. I think last year was the  
7 only year I didn't work the summer employment for  
8 them.

9 Q That would be '99?

10 A Right.

11 Q That you didn't work in the summer of  
12 '99?

13 A No.

14 Q What other employment have you had?

15 A That's it.

16 Q Have you tried to get jobs in any other  
17 field?

18 A No, I didn't because actually what  
19 happened with the School Board I didn't want to try  
20 to face that again and I was used to working with  
21 Broward County employment and I knew they didn't do  
22 background checks so I actually wanted to wait and  
23 see what happened with the School Board before I  
24 decided to go and apply for other jobs.

25 Q So what have you been living on?

1 A My husband.

2 Q So you worked for BETA up until the end  
3 of the summer in 1998?

4 A Yes.

5 Q You didn't work for them in 1999?

6 A Right.

7 Q Is there a reason you didn't work for  
8 them in 1999?

9 A I just didn't apply.

10 Q So you didn't bother?

11 A No.

12 Q Was there work available for you if you  
13 wanted it?

14 A For the summer employment?

15 Q For the summer of '99.

16 A I'm not sure.

17 Q Otherwise you --

18 A Actually the program -- BETA turned the  
19 program over to Urban League of Broward County.

20 Q That's Urban League of Broward County?

21 A Of Broward County.

22 Q So you've not applied any place else, any  
23 other school district, any other employer since --

24 A No, I didn't apply for the School Board  
25 because they said I was not employable with the

1 School Board so I followed their directions. They  
2 sent a letter saying I was not employable with the  
3 Broward County School Board.

4 Q We've established that much but you  
5 didn't go out and apply at Motorola or Dade County  
6 School Board or Palm Beach School Board or any  
7 other private employer to try to get a job?

8 A No, I didn't because I was working for  
9 BETA.

10 Q But you were only working for BETA --

11 A I was receiving unemployment.

12 Q How long were you receiving unemployment?

13 A For about a year.

14 Q But just I want to make sure we're  
15 crystal clear on this. You have not applied  
16 anywhere else for employment since you were removed  
17 from the --

18 A I'm working now.

19 Q Tell me about that.

20 A I work for Psycho Therapeutic Juvenile  
21 Services working with juveniles and gangs.

22 Q How much do you make at that?

23 A \$24,000 a year.

24 Q How long have you had that job?

25 A Just started about four weeks ago.

1 Q Were you employed by anyone else prior to  
2 that position?

3 A No.

4 Q So from September 1998 through four weeks  
5 ago but for your summer employment you have not had  
6 any other positions?

7 A No.

8 Q And how did you come to get this position  
9 you have now?

10 A In the newspaper. The reason why -- like  
11 I told you whenever I went through the School Board  
12 and I was terminated for employment because my case  
13 was dismissed I didn't want to go through that  
14 again. That affected me in a lot of ways so I  
15 didn't want to go through that so what I did is a  
16 friend of mine told me about getting my record  
17 expunged so I went through getting my record  
18 expunged and once I got my record expunged then I  
19 seeked employment so my record is expunged as of  
20 now.

21 Q What's your understanding of your record  
22 being expunged?

23 A That means there's no record of it. It's  
24 clear.

25 Q But is it your understanding that if you

1 went to apply to the Dade County School Board here  
2 they would have no access to your record?

3 A No, I think that's one of the questions  
4 on there that if -- they asked you to explain if  
5 you have a record expunged.

6 Q Meaning it can be expunged for other  
7 purposes but it wouldn't be expunged for working  
8 for School Boards or law enforcement or a number of  
9 other areas?

10 A Right but I didn't get it done for the  
11 School Board. I got it done for other jobs.

12 Q Is there anything that prevented you from  
13 getting your record expunged at an earlier date?

14 A I didn't know about it.

15 Q How did you find out about it?

16 A A friend of mine told me about it.

17 Q Did you have to have a lawyer to do it or  
18 were you able to do it yourself?

19 A I had a lawyer do it.

20 Q About when did you actually get the  
21 records expunged?

22 A I'm not sure of the date. About three or  
23 four months ago.

24 Q So it's during the year 2000 sometime?

25 A I think so.

1 Q Now, your current employer, what do you  
2 do there?

3 A I work with juveniles and I counsel them  
4 on -- juveniles that's out in gangs that's active  
5 in gangs. I do counseling with them and try to  
6 detour them from being in the gangs.

7 Q Did you have to receive any type of  
8 security clearance to get this kind of work?

9 A Yes, I did.

10 Q Did you report your past cocaine arrest  
11 to this agency?

12 A I didn't have to. I didn't have a  
13 conviction.

14 Q Is this an HRS registered agency?

15 A Yes, it works with the School Board. It  
16 works with DJJ, Department of Juvenile Justice.

17 Q And is it a private agency?

18 A Non-profit organization that's funded  
19 through BSO.

20 Q So it's actually funded through BSO?

21 A Yes.

22 Q Did BSO do the background check to your  
23 knowledge?

24 A Yes.

25 Q And one way or another they hired you?

1 A They actually did -- I had to do a  
2 background check for I guess Broward County which I  
3 went to the county to do the background check.  
4 Came back nothing founded and they have to do a  
5 federal background check, nationwide background  
6 check.

7 Q And to your knowledge no one found your  
8 past conviction?

9 A No.

10 MR. BERKOWITZ: Object to the form.

11 BY MR. ROGERS:

12 Q No one found your past pretrial  
13 intervention nolo contendere plea?

14 A Not as I know of. It didn't say it on  
15 the police report. That's the only background  
16 check.

17 Q Now, have you ever received a Florida  
18 teaching certificate?

19 A No. Just temporary.

20 Q And you never reapplied for your -- even  
21 your substitute certificate back from Broward  
22 County School Board; correct?

23 A I wasn't allowed. I have a check that I  
24 sent in to renew the substitute certificate and  
25 School Board sent it back to me.

1 Q So you did apply at some point?

2 A Yes, once they -- that they sent me -- it  
3 must have been a mix up they sent me something in  
4 the mail to renew a five year substitute teaching  
5 certificate and I sent in the money order with it  
6 and they sent it back denying it so some kind of  
7 way it got to me in the mail but when I sent it in  
8 they denied it and they said I wasn't employable  
9 with the School Board so I did try it that way as  
10 you spoke I thought about it.

11 Q Now, you state in your complaint that you  
12 suffered great embarrassment, humiliation and  
13 mental pain based upon being not hired by the  
14 School Board. What are we talking about here?

15 A First of all I was embarrassed when they  
16 came in the classroom and took me out of the  
17 classroom and wasn't able to return. I suffered  
18 financially. I suffered mentally.

19 Q Let's back up a second if we can. When  
20 they took you out of the classroom did they bring  
21 in armed guards or did the principal come in  
22 herself?

23 A She sent someone in and had a teacher  
24 come take over the classroom.

25 Q There was nothing unusual in that if she



1 wanted to come down to the office in the manner in  
2 which she did, was there?

3 A No.

4 Q Not like she sent up three cops and --

5 A No, she didn't.

6 Q And the deans or anything to get you. So  
7 the embarrassment and humiliation that you're  
8 talking about is when you were removed from the  
9 classroom?

10 A Yes, that was embarrassing me. For me  
11 never to return and then the kids asking me  
12 "Ms. Sears, why didn't you come back to class?" I  
13 didn't know what to tell them.

14 Q When would the kids get a chance to ask  
15 you?

16 A I see them all the time in the community.  
17 I coached volleyball. I even had -- before they  
18 terminated me I had -- she had also gave me a job  
19 coaching volleyball. I had volleyball players come  
20 up to me asking me why I'm not teaching.

21 Q Did you keep to volleyball coach position  
22 after?

23 A I couldn't. She had to terminate me.

24 Q How much did you make as a volleyball  
25 coach?

1 A It was like \$1,600 for the season which I  
2 never -- I never received anyways so --

3 Q You didn't receive it because you didn't  
4 coach it?

5 A Right.

6 Q Because you couldn't work. Now, you also  
7 speak in the complaint about great mental pain.  
8 Have you seen any doctors as the result of this  
9 mental pain?

10 A No, I didn't have any insurance to go do  
11 that. I just took over-the-counter medication.

12 Q What over-the-counter medication did you  
13 take?

14 A Like Tylenol.

15 Q So you had headaches?

16 A Right and stress down my neck.

17 Q So that's what we're talking, headaches  
18 and stress down your neck?

19 A Yes.

20 Q Now, you didn't have any health insurance  
21 do to do that before when you were a substitute  
22 teacher before, did you?

23 A No, I didn't. I wasn't sick before then  
24 either.

25 Q Well, have you seen any doctors since

1 then?

2 A No.

3 Q None at all?

4 A No.

5 Q Haven't seen any psychiatrists?

6 A No.

7 Q No psychologists?

8 A No.

9 Q Now, the school that you went to or you  
10 got the credit from, Phillips University, Inc., am  
11 I correct that that's in Enid, Oklahoma?

12 A That's where the main campus is located.  
13 They have an off branch campus located on Florida  
14 Memorial campus in Miami.

15 Q So is this a correspondence school?

16 A What do you mean like --

17 Q Like you stay home and you write them  
18 letters.

19 A No, you actually go down there and take  
20 class. They have an off branch. Like if you have  
21 an FAU off campus branch in Miami or Broward  
22 County. They have an off branch campus there.

23 Q This is a school that has sort of  
24 satellite branch at Florida Memorial?

25 A Exactly.

1 Q To your knowledge is Phillips University  
2 bankrupt or has it gone out of business since then?

3 A No, not to my knowledge.

4 Q Did you ever find out whether it was  
5 accredited by the Florida Department of Education?

6 A Yes, it's an accredited school.

7 Q How do you know that?

8 A They gave me an information package on it  
9 when I went to register.

10 Q Do you have any of that information still  
11 around at home?

12 A Yes, I should have it.

13 Q Would you provide that to your lawyer and  
14 let him provide that to us?

15 A Yes.

16 MR. ROGERS: Will you agree to do that?

17 MR. BERKOWITZ: Yes.

18 BY MR. ROGERS:

19 Q Let me show you a document and ask if  
20 you've ever seen it before (Indicating).

21 A Yes.

22 Q Now, this is your second amended  
23 complaint in this action?

24 A Yes.

25 Q Did you see this before it was filed?

1 A Before?

2 Q Yes.

3 A Oh, yes.

4 Q You went to your lawyer's office and  
5 looked at it or he mailed it to you or something  
6 like that?

7 A Yes, he mailed it to me.

8 Q Do you agree that everything in this is  
9 true and correct?

10 A Yes.

11 Q What's your understanding about how the  
12 School Board hires full-time certificated teachers?

13 A It's different steps. You can get a five  
14 year. You can get a two year. When I say full  
15 time I'm meaning -- I was meaning that I can be  
16 hired as a teacher with benefits, teacher's pay for  
17 two years under my certificate and if I didn't  
18 complete whatever I had to complete then I would be  
19 terminated.

20 Q Now, who told you that again? That may  
21 be important for everybody to have.

22 A Tallahassee. It's a hot line that you  
23 can call and speak to people in Tallahassee,  
24 Tallahassee and they'll give you all this  
25 information.

1 Q Someone in Tallahassee told you that the  
2 document that they sent you entitled you to teach  
3 in Florida as a full-time teacher?

4 A Permanent for two years.

5 Q For up to two years and what did you have  
6 to do within that two year period?

7 A During that two years I had to pass  
8 teacher's certification tests and I also had to  
9 complete the two courses that I need to complete.

10 Q When you say teacher certification test  
11 what did you have to pass?

12 A Okay, the teacher certification test is  
13 just a basic test all teachers have to pass. I  
14 passed that test. The next test is you have to  
15 pass whatever subject area you're going to teach  
16 meaning that the two year temporary certificate was  
17 for social science so I had to take the social  
18 science test and pass that along with completing  
19 the two courses that I had to take.

20 Q Did you pass the second test that you're  
21 referring to?

22 A No, I didn't. I took it but I didn't  
23 pass it.

24 Q Did you just not receive the passing  
25 score?

1 A Right. That's what happened.

2 Q Now, as a substitute teacher you were  
3 aware, were you not, you weren't guaranteed any  
4 particular number of days of employment each year?

5 A Number of calls, yes.

6 Q So you couldn't tell from one day to the  
7 next whether you were going to work or not?

8 A Right.

9 Q You were free to turn down the job if you  
10 didn't want it; right?

11 A That's correct. But in order to be  
12 eligible to sub you had to sub a certain amount of  
13 days per year. I don't know that it wasn't many  
14 days per year in order to keep your substitute  
15 certificate current.

16 So if you didn't work a certain amount of  
17 days per year I guess you would be terminated and  
18 you would have to reapply.

19 Q Is this what you're referring to? I  
20 think number of days you were referring to is on  
21 one of the earlier ones. We may as well attach  
22 this one as the requirements for substitute  
23 teachers. Do you recall seeing this document  
24 before (Indicating)?

25 A I don't recall seeing it. Probably

1 because the things I did for substitute were back  
2 in '92 so I might have that at the beginning. It  
3 doesn't look familiar to me.

4 Q You never held anything but a substitute  
5 teacher position, did you, up until a point in time  
6 when you were removed from the classroom?

7 A I had a two year temporary teaching  
8 permit before then.

9 Q But you are not hired by a School Board  
10 as anything but a substitute teacher?

11 A Pool sub for one year.

12 Q Interim teacher and rest of the time  
13 substitute teacher?

14 A Right.

15 Q Each one of those positions you got a  
16 daily rate of pay; correct?

17 A Right.

18 Q When you were a pool sub is it correct to  
19 say that you knew you were not guaranteed  
20 employment after the end of that school year?

21 A Yes, as the pool sub you're guaranteed it  
22 for that year only and next year you have to  
23 reapply.

24 Q Then the same with the interim sub?

25 A Right.



1 Q Meaning you're not guaranteed employment  
2 after your interim employment --

3 A Is over, that's correct.

4 MR. ROGERS: Let's put this in. This  
5 is date stamped 0267 and 0268. 4/16/98  
6 addition of requirements for substitute  
7 teachers for the Broward County School Board.

8 (Defendant's Exhibit No. 19 was  
9 marked for identification.)

10 THE WITNESS: Do you have anything like  
11 this for the full-time teachers?

12 MR. ROGERS: Not with me here.

13 BY MR. ROGERS:

14 Q One of the other things you say in the  
15 complaint is the School Board has some sort of rule  
16 or practice of not employing people as substitutes  
17 or teachers if they have a criminal conviction; is  
18 that correct?

19 MR. BERKOWITZ: Object to the form of  
20 the question.

21 BY MR. ROGERS:

22 Q I mean the complaint says that. You said  
23 you read it.

24 A Can you restate that?

25 Q The complaint states -- you said that you

1 read this compliant before your lawyer filed it.

2 A I read it a time back. Restate the  
3 question.

4 Q The complaint says that the School Board  
5 does not hire anyone as a substitute or as a  
6 full-time teacher if they have a prior arrest  
7 regardless of conviction?

8 A Does the School Board say that? You're  
9 asking me did I say the School Board said that?

10 Q Yes.

11 MR. BERKOWITZ: Object to the form of  
12 the question. You can answer.

13 BY MR. ROGERS:

14 Q It's a little bit unclear. I agree the  
15 way we framed it around here. Let me ask it a  
16 different way. You've told me the names of at  
17 least two people who you know of that are working  
18 for the School Board but had some sort of a  
19 criminal history; correct?

20 A Yes.

21 Q And you've also said that your principal  
22 at the point in time when she first heard about --  
23 this is back in September of 1998 when principal  
24 Rebecca Dahl first heard that the security  
25 clearance committee had rejected your application

1 that she was aware of other people who appealed  
2 successfully; is that correct?

3 A That's correct.

4 Q But we don't know the name of that  
5 person?

6 A The name of the person?

7 Q The one that Rebecca Dahl is speaking of.

8 A Oh no, I don't know the name.

9 Q Now, apart from the hearing that you  
10 requested with or the appeal that you filed with  
11 Mr. Blitman had you ever filed any sort of formal  
12 request for hearing before the School Board?

13 A No.

14 MR. ROGERS: Let's attach the complaint  
15 as Exhibit 20.

16 (Defendant's Exhibit No. 20 was  
17 marked for identification.)

18 MR. ROGERS: How about if we take about  
19 a five minute break?

20 MR. BERKOWITZ: Fine.

21 (Thereupon, a short recess was  
22 taken.)

23 BY MR. ROGERS:

24 Q We're back on the record. It's about  
25 2:25. I think we'll be able to make it by 3:30

1 with no problem.

2 Just for clarification purposes who do  
3 you say you're working for now?

4 A Psycho Therapeutic Juvenile Services.

5 Q Can you spell that just for --

6 A Let me write it at the same time.

7 Q I think I know what you're saying but I  
8 see the court reporter, wince.

9 A P-s-y-c-h-o-t-h-e-r-a-p-e-u-t-i-c.

10 Q Psycho Therapeutic Juvenile Services?

11 A Right.

12 Q That's a private non-profit agency?

13 A Right. That's funded through BSO and  
14 Department of Juvenile Justice.

15 Q Do you know who the contact person would  
16 be at BSO for that agency?

17 A No, I don't.

18 Q Do you know who the contact person would  
19 be through the Department of Juvenile Justice?

20 A No, I don't.

21 Q Who hired you there? Who is your  
22 immediate supervisor?

23 A Joseph Broconi.

24 Q Can you spell his last name?

25 A B-r-o-c-o-n-n-i.

1 Q Where is this place of business located?

2 A 2700 Southwest 4th Avenue,

3 Ft. Lauderdale, Florida.

4 Q And you work there you said for the last  
5 four months?

6 A Weeks.

7 Q Sorry. I misspoke. Did you work for  
8 BETA during the summer of 2000?

9 A No.

10 Q Let me show you a document. It's styled  
11 as Plaintiff's Notice of Filing Answers to  
12 Interrogatories. It bears certificate of service  
13 dated 29 June 2000. Have you seen that before?

14 A Yes.

15 Q Is that your signature on the -- actually  
16 two of them that appear on page five of that  
17 document?

18 A Yes.

19 Q Numbered page three faxed page five. Is  
20 everything in these answers true and correct to the  
21 best of your knowledge?

22 A Yes.

23 Q Let's just make sure we know what each of  
24 these people that you've listed under numbered  
25 paragraph one in your response. We know that

1 Rebecca Dahl was the principal at Lauderhill Middle  
2 School. Have you kept in touch with her?

3 A No, I haven't.

4 Q Have you spoken with her at all since  
5 that day that she helped you write your appeal?

6 A No.

7 Q And you've never spoken to Gracie Diaz;  
8 correct?

9 A Maybe one time. I can't recall. I think  
10 I spoke to her one time on a phone call.

11 Q Who is Lamaras Cooper?

12 A She works at the Lauderhill Middle and  
13 she's office staff. She's a friend of mine.

14 Q What knowledge would she have of your  
15 case here?

16 A I used to talk with her about my job  
17 duties and different things that I was doing at the  
18 school.

19 Q Would this be during the period while you  
20 were working at the school as a substitute?

21 A Right, working, yes.

22 Q Have you spoken with her since you left  
23 the school?

24 A Yes, I have.

25 Q Now, does she also have knowledge that

1 there are other teachers working for Broward County  
2 School Board that have let's say criminal records  
3 in their past?

4 A She stated one of them but she didn't  
5 give me a name. A girl that had a similar  
6 situation to mine.

7 Q Do we know about when that situation  
8 arose?

9 A No, I don't know.

10 Q And you say you've kept in touch with  
11 Ms. Cooper since you were --

12 A On occasions. Not many.

13 Q Is she like a regular social guest at  
14 your home or anything like that?

15 A No.

16 Q Where have you run into her?

17 A At the school. I met her at the school  
18 doing subbing.

19 Q But since you left the school you haven't  
20 subbed; right?

21 A No, I haven't.

22 Q So when have you run into her since you  
23 left the school and we're talking about since  
24 September 1998?

25 A At the football field. My husband

1 coaches football and she be to the football. I run  
2 into her at different sports activities.

3 Q Does your husband get paid to coach  
4 football for the Broward School Board?

5 A He don't coach for the Broward School  
6 Board.

7 Q Who does he coach for?

8 A It's little league.

9 Q Little league?

10 A Yes, the City of Lauderdale Lakes.

11 Q Who is Mr. Lockhart?

12 A That was one of the co-workers. One of  
13 the teachers that was in the department when I was  
14 doing ESE.

15 Q What does he know about the School  
16 Board's supposed policy of not hiring people with  
17 criminal backgrounds?

18 A I don't know.

19 Q So why is he --

20 A I spoke to him about my situation.

21 Q When did you speak to him about your  
22 situation?

23 A During the -- after the time that it  
24 happened.

25 Q Now, even though Rebecca Dahl had you



1 escorted from the classroom you're still permitted  
2 back in the school to go in and talk to her when  
3 you want?

4 A They didn't -- this was after school.  
5 They didn't tell me that I wasn't allowed to go on  
6 school campuses.

7 Q I want to make sure of that.

8 A She didn't tell me that.

9 Q I take it you got along all right with  
10 Ms. Dahl?

11 A Yes, she was a great lady.

12 Q Now, Mr. Lockhart, when did you talk to  
13 him about your situation?

14 A After they denied me employment.

15 Q Was this after you had been taken out of  
16 the classroom?

17 A Yes.

18 Q And you spoke to him at the school?

19 A I've called him on the telephone at home.

20 Q Is he -- go ahead.

21 A He was on the same teaching team that I  
22 was on. Before they moved out of ESE. They moved  
23 me out of ESE at the beginning of the year and put  
24 me in science. We taught the same kids. They just  
25 went from classroom to classroom.

1 Q So this is --

2 A He just have knowledge of the my teaching  
3 experience just as a co-worker. I also spoke to  
4 him briefly about what happened and why I wasn't  
5 returning back.

6 Q Was he able to give you any advice on  
7 what you should do as far as your appeal or did you  
8 ask?

9 A I didn't go that far.

10 Q You never asked?

11 A No, I just told him about the situation.

12 Q To your knowledge does he have any  
13 knowledge of any other people working for Broward  
14 School Board that have similar criminal pasts?

15 A If he didn't he didn't say it.

16 Q The last one is Ms. Cameron. Who is she?

17 A She was another teacher that worked with  
18 me. She's not aware of what happened.

19 Q She is not aware that you were removed  
20 from the classroom?

21 A The reason why. I didn't talk to her  
22 about why I wasn't coming back.

23 Q So the reason that she is listed here is  
24 because she has knowledge of your performance while  
25 you were there as a substitute teacher?

1 A Exactly. Almost the same with  
2 Mr. Cameron but he's familiar with what happened.  
3 He doesn't know much about details.

4 Q It says Ms. Cameron, is that a typo?

5 A I'm sorry. Ms. Mr. Lockhart.

6 Q Ms. Cameron and Mr. Lockhart. To your  
7 knowledge are they still at the school?

8 A Yes, those two are.

9 Q Now, apart from the people that you  
10 already told us about are you aware of anyone else  
11 presently working for Broward School Board in a  
12 pupil contact or student contact position who has a  
13 past arrest record for narcotics violations?

14 A No, not that I know of.

15 Q You are aware of these other people?

16 A Yes.

17 Q Ones you have already mentioned to us and  
18 when you spoke to Principal Dahl did she state what  
19 the nature of the problem she had helped the other  
20 teacher or applicant?

21 A No, she didn't. I think it just had  
22 something to do with an arrest or conviction. I  
23 don't know exactly in what nature.

24 Q We don't know if it was a felony or drug  
25 conviction or not?

1 A No.

2 Q Principal Dahl is still at that school,  
3 isn't she?

4 A She's at another school.

5 Q What school is she at?

6 A Sunrise Middle School.

7 MR. ROGERS: Let's attach this as  
8 Defendant's Exhibit No. 21.

9 (Defendant's Exhibit No. 21 was  
10 marked for identification.)

11 BY MR. ROGERS:

12 Q Now, the documents I'm looking at now are  
13 what we call a Request for Production of documents  
14 and the response that your lawyer filed to that  
15 Request for Production of documents. That means we  
16 want you to give access to documents that you may  
17 have relevant to your case.

18 One of the requests that we made was for  
19 any and all personal memoranda, diaries, journals,  
20 appointment books, calendars or other documents  
21 that you prepared that contain any reference to  
22 your employment with the School Board.

23 Do you have any such diary, any kind of  
24 records or anything that you have written down at  
25 home that pertains to your employment with the

1 School Board?

2 A No.

3 Q You never kept a little journal to  
4 yourself saying today they told me they won't hire  
5 me because I was --

6 A No, I didn't. I failed to do that.

7 Q So no such documents exist?

8 A No. Not as I know of. I can't remember  
9 writing anything down.

10 Q Now, have you ever seen a copy of the  
11 collective bargaining agreement between Broward  
12 Teachers Union and the School Board of Broward  
13 County?

14 A No.

15 Q How did you know what the beginning  
16 teacher's salary was when you started working as an  
17 interim sub?

18 A I have -- my best friend is -- she  
19 teaches with the School Board on a temporary -- the  
20 same thing that had two year temporary permit she  
21 does same thing and she was getting paid like  
22 \$32,000 and something. I have a co-worker and  
23 friends that I know that all works with the School  
24 Board.

25 Q They were getting paid \$32,000 and

1 something?

2 A Yes. I don't know the exact figure.

3 Q Well, you had no full time teaching  
4 experience at the point in time when you applied  
5 with Broward School Board; correct?

6 A Correct. That's why I was applying so I  
7 could start teaching because once I got the two  
8 year temporary permit that enabled me to become  
9 full time for two years.

10 Q Who is the person that you're referring  
11 to that has the two year temporary permit that's  
12 the same as the one we looked at here today?

13 A Kora Walls.

14 Q Can you spell that?

15 A Several teachers on the two year  
16 contracts. Plenty of them in Broward County.

17 Q Tell me who you can think of right now?

18 A Kora Walls. She can give you -- K-o-r-a  
19 W-a-l-l-s.

20 Q What school is she at?

21 A She's at Ely High School now.

22 Q Any others you can think of?

23 A Not offhand.

24 Q You said there's plenty of them and now  
25 you can't think of any of them.

1 A I don't know their names offhand.

2 Q How do you know there's plenty of them?

3 A Because I've been around them and Kora  
4 has told me that several of them that has temporary  
5 permits that had to go back to subbing because they  
6 didn't complete what they had to complete within  
7 the two years. That's one of the requirements for  
8 Broward County.

9 A lot of times you go through two year  
10 and go through five years and after the five years  
11 you can receive a contract. The five year  
12 contract.

13 Q We're talking about teaching certificates  
14 as opposed to contracts though; right?

15 A Right.

16 Q Now, are you aware of any documents or  
17 School Board policies that would have absolutely  
18 prohibited you from being hired because you had  
19 this arrest in your background?

20 A No, I'm not.

21 Q You've already stated it but let me  
22 clarify. You have not seen any doctors or received  
23 any treatment for physical or emotional injuries  
24 since leaving the School Board in September 1998?

25 A No.

1 Q So there couldn't be any record of any  
2 treatment because you haven't received any?

3 A Right.

4 Q In reference to employers that you had  
5 since leaving the School Board in 1998 the only  
6 employer prior to the psychiatric center is that  
7 appropriate to --

8 A Psycho Therapeutic Juvenile Services.

9 Q The only employer you had other than that  
10 agency since 1998 has been BETA for one summer?

11 A "Uh-hum." Not just --

12 Q Two summers maybe?

13 A Two at the most.

14 Q I think you said you worked in 1998 but  
15 did not work in 1999?

16 A I think it was one year. It's just been  
17 one summer that I didn't work since that time.

18 Q Well, if you worked it would be reflected  
19 on your tax return; correct?

20 A Correct.

21 Q And '99 is the year we're missing at the  
22 moment so they're going to provide that to us that  
23 can close that up.

24 A Right.

25 Q You never applied anywhere else?



1 A No.

2 Q How could you receive unemployment  
3 compensation benefits without applying?

4 A Without applying for --

5 Q For work.

6 A I seeked -- I seeked employment like over  
7 the phone but I didn't receive any.

8 Q Because usually for unemployment don't  
9 they make you apply several different places?

10 A Yes.

11 Q But all you ever did was call people on  
12 the phone?

13 A Right.

14 Q Never went and filled out an application  
15 anywhere?

16 A No, I called them over the phone and I  
17 wrote down what I called and I submitted it.

18 Q The unemployment compensation people  
19 accepted that and went ahead and paid you?

20 A Yes.

21 Q Who holds title to your house at the  
22 moment, you or Mr. Sears?

23 A Me.

24 Q Just in your name only?

25 A Yes.

1 Q I may have asked this but forgive me if I  
2 did. Mr. Sears was not living with you full time  
3 at your residence before the date that he was  
4 arrested?

5 A No.

6 Q But he would stay there occasionally?

7 A Yes. Spend the night sometimes.

8 Q Do you know what jail Mr. Sears was  
9 actually put in?

10 A What you mean, county jail?

11 Q Was it county or one of the state  
12 facilities? Did he stay in Broward County Jail or  
13 was he put in Raford or where?

14 A He went to -- he was in Broward County  
15 Jail but whenever you serve prison time you have to  
16 go to a state facility.

17 Q He was in the state facility?

18 A Yes.

19 Q Which state facility?

20 A Wiwahitchka.

21 Q Were you trying to say the same of one?

22 A That's the name of the facility where he  
23 was.

24 MR. BERKOWITZ: Try to spell that one.

25 THE WITNESS: I can't spell that one.

1 MR. ROGERS: We could probably pick up  
2 a phone book or something.

3 BY MR. ROGERS:

4 Q Did you go and visit Mr. Sears at that  
5 place?

6 A One time I went to visit him.

7 Q Where was this state prison located?

8 A The place where I told you, Wiwahitchka  
9 up by Panama City.

10 Q Long trip. Now, has Mr. Sears been  
11 arrested since he got out of prison from the last  
12 cocaine bust?

13 A No.

14 Q How about you, you've never been arrested  
15 since then?

16 A Never.

17 Q I guess we have to ask this. What were  
18 you making at the point in time when you were  
19 removed from the classroom, the regular Broward  
20 School Board sub rate?

21 A Yes, at that time because when I was  
22 getting the interim pay at the end of the school  
23 year and when she wanted me to come back she had to  
24 bring me back as a regular sub and then do the  
25 paperwork so I was just getting regular substitute

1 pay.

2 Q You would have to get regular substitute  
3 pay for most of the year before she could bring you  
4 back as an interim sub; correct?

5 A She wasn't bringing me back as an interim  
6 sub. She was bringing me back as a permanent  
7 teacher. That's why I had to go back down to the  
8 School Board and reapply because I was coming from  
9 part time to full time. When I went to do this,  
10 this is when I had to go back through and had to be  
11 fingerprinted and had to go back through the  
12 security clearance so this is where it stopped.

13 That's why it stopped me from becoming  
14 full time. This is why the background check had to  
15 come back around and the police report this is  
16 where all of it arose from. When I seek full time  
17 I was stopped because the arrest.

18 Q But you had been fingerprinted before?

19 A Right.

20 Q And I believe 1992 we think it was?

21 A That's right.

22 Q Were you fingerprinted for the job you  
23 had as a substitute teacher in Fort Myers?

24 A Yes.

25 Q We don't know what the daily rate for

1 subs was at that point but that should be something  
2 that's easy enough to determine?

3 A You're talking about before I got -- I  
4 can't remember. I'm not going to try to guess.

5 Q Don't guess at something. It's something  
6 that's easy enough for us to establish. My  
7 recollection is it's something between sixty and  
8 eighty dollars a day for substitutes. Does that  
9 sound right?

10 A I think it was a little higher. I don't  
11 know exactly what it was. I don't think it was  
12 eighty. It was higher.

13 Q I just did an arbitration where I'm  
14 thinking it was around eighty for the pool sub.

15 A I want to guess -- if I guess -- for the  
16 pool sub the pool sub was \$12 an hour I know that.  
17 The pool sub was \$12 an hour and the regular sub  
18 was like \$10 an hour.

19 Q In your interrogatory responses you said  
20 you were making \$21 an hour?

21 A That was for the interim.

22 Q That's supposed to be the beginning  
23 teacher's rate?

24 A Yes.

25 Q But there again you were never hired full

1 time by the School Board as a full-time teacher;  
2 correct?

3 A Right. It didn't get that far. It  
4 stopped.

5 Q And the only status you ever had with the  
6 school board is as a substitute teacher?

7 A Yes.

8 MR. ROGERS: We're done.

9 MR. BERKOWITZ: I don't have any  
10 questions. She'll waive.

11 (Witness excused.)

12 (Thereupon, at 2:55 p.m., the  
13 deposition was concluded.)  
14  
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## CERTIFICATE OF OATH

STATE OF FLORIDA )

COUNTY OF DADE )

I, the undersigned authority, certify  
that Cheryl Sears personally  
appeared before me and was duly sworn.

WITNESS my hand and official seal this  
22<sup>nd</sup> day of November, 2000.

  
RICK LEVY

Notary Public - State of Florida  
My Commission No. CC 516954  
Expires: December 7, 2003

## CERTIFICATE

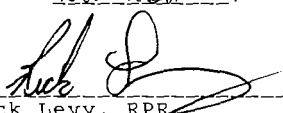
STATE OF FLORIDA     )  
COUNTY OF DADE     )

I, RICK LEVY, Registered Professional Reporter, do hereby certify that I was authorized to and did stenographically report the foregoing deposition in stenotype; and that the foregoing pages, numbered from 1 to 133, inclusive, are a true and correct transcription of my shorthand notes of said deposition.

I further certify that I am not a relative, employee attorney or counsel of any of the parties, nor am I a relative or employee of any of the parties, attorney or counsel connected with the action, nor am I financially interested in the action.

I further certify that I have delivered the original copy of said deposition to Gordon Rogers, Esquire, to be retained by him pending further order of the Court.

WITNESS my hand and official seal in the City of Fort Lauderdale, County of Broward, State of Florida, this 22nd day of November, 2000.

  
Rick Levy, RPR  
Notary Public - State of Florida



CHEVEL D. KALL  
5445 NW 16th Street  
Lauderhill, FL 33311  
(305) 733-9497

**JOB OBJECTIVE:**

Challenging position in the Social Services area where my criminal justice education and training are needed.

**EDUCATION:**

B.A. Degree, Criminal Justice, 1989  
Florida Memorial College, Miami, FL

**RELATED COURSES:**

Sociology of Deviance  
Causes/Prevention of Delinquency  
Criminal Law I and II  
Corrections: Service and Philosophy

Bethune Cookman College, 1984-85  
Daytona Beach, FL: (General Education)

Earned Diploma: Ft. Myers High School

**RECENT EXPERIENCE:**

8/89 - 4/91

School Board of Lee County  
Central Avenue, Ft. Myers, FL  
SUBSTITUTE TEACHER: Substituted in temporary assignments: County School

12/89 - 3/9

US Department of Agriculture  
2744 Edison Avenue  
Ft. Myers, FL  
INSPECTOR: Inspected citrus for canker according to US Agricultural Department Guidelines. Advised growers on procedures required in regard to canker situation.

**INTERNSHIPS I & II  
EXPERIENCE:**

6/89 - 8/89

MRS Price Halfway House  
2515 Ortiz Avenue  
Ft. Myers, FL  
GROUP TREATMENT LEADER: Supervised juveniles during group meetings and counseling sessions.

DEFENDANT'S  
EXHIBIT

1  
11/8/00

0026

Page 2  
 CHERL D. HALL  
 (305) 733-9597

1/89 - 4/89

MRS Youth Services  
 245 W. 74th Place  
 Mialeah, FL  
ASSISTANT CHILDREN, YOUTH AND FAMILY  
RECEPTIONIST Supervised juveniles to  
 ensure they completed community service  
 requirements.

SUMMER EMPLOYMENT:  
 Summer 1987

City of Ft. Myers  
 Ft. Myers, FL  
RECREATION LEADER Supervised youth ages  
 6-13 at Dunbar Recreation Center in com-  
 petitive sports and recreational  
 activities including field trips.

Summer 1986

Lee County Private Industry Council  
 Evans Avenue, Ft. Myers, FL  
SUMMER YOUTH MONITOR Monitored youth  
 activities and work sites for agency  
 providing youth employment under the  
 Job Training Partnership Act Program  
 (JTPA). Reported orally and in writing  
 on youth progress and on exceptions when  
 detected.

Summer 1985

Lee County Probation Office  
 1700 Monroe St., Ft. Myers, FL  
RECEPTIONIST Front desk responsibilities,  
 telephone, and clerical duties.

Summer 1984

Ft. Myers Recreation Center  
 1773 Evans Avenue, Ft. Myers, FL  
RECREATION AIDE Assisted children  
 13 and under in recreation activities.

Summer 1983

MRS Ft. Myers Food Stamp Office  
 2120 Collier Avenue, Ft. Myers, FL  
RECEPTIONIST

Summer 1982

Dunbar Recreation Center  
 Edison Avenue, Ft. Myers, FL  
RECREATION AIDE

EXTRA-CURRICULAR  
ACTIVITIES:

Florida Memorial Women's Basketball and  
 Track Teams; Kappa Kourt Sweetheart Club.

REFERENCES:

Available upon request.

0000 0000

**SECURITY CHECK (MISDEMEANOR OR FELONY CONVICTION)**

OTHER THAN FOR A MINOR TRAFFIC VIOLATION, HAVE YOU EVER BEEN CONVICTED, FOUND GUILTY, ENTERED A PLEA OF GUILTY OR NO GUILTY TO A CRIME, OR ARE THERE ANY CRIMINAL CHARGES NOW PENDING AGAINST YOU? YES ☒ NO ☐ A YES OR NO ANSWER IS REQUIRED BY FLORIDA LAW. YOUR ANSWER TO THIS QUESTION WILL BE CHECKED AGAINST LOCAL, STATE AND FEDERAL RECORDS. IF YOU DO NOT ANSWER THIS QUESTION ACCURATELY, YOU MAY NOT BE EMPLOYABLE. IF YOU CHECK THE YES BOX, YOU MUST GIVE THE INFORMATION REQUESTED FOR EACH CHARGE. PLEASE ATTACH SEPARATE SHEET IF YOU NEED MORE SPACE.

DATE	CITY	STATE	OFFENSE	PENALTY - DISPOSITION
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

**PERSONAL STATEMENT**

THIS SECTION MUST BE COMPLETED IN YOUR OWN HANDWRITING, USING YOUR PREVIOUS WORK EXPERIENCE AS THE VEHICLE. MAKE SPECIFIC STATEMENTS ABOUT YOURSELF THAT WOULD MARKET YOU AS A VIABLE CANDIDATE FOR A TEACHING POSITION IN OUR DISTRICT.

*I feel that I will be a viable candidate for a Teaching position in your district. Because of my Substituting Experience in following Art and Teachers education on Educating Students in grades K-12. And also because of my background in working with kids. I have also experience Teaching independently for six weeks Teaching Special Ed Classes in all course areas Grade 6-8.*

**SUPPLEMENTAL INFORMATION**

APPLICATIONS REMAIN ACTIVE FOR A PERIOD OF SIX MONTHS FOLLOWING THE DATE OF APPLICATION. APPLICATIONS WILL BE DESTROYED IF NOT UPDATED.

PERMISSION IS HEREBY GIVEN ANY AGENCY OF THE GOVERNMENT OF THE UNITED STATES, AND / OR ANY OTHER AGENCY PERSON, FIRM OR CORPORATION HOLDING RECORDS OF DISCLOSED CONFIDENTIAL TO FURNISH THE SPECIAL INVESTIGATIVE UNIT OF THE BROWARD COUNTY PUBLIC SCHOOL SYSTEM ALL INFORMATION DEMAND INVOLVING ME IN ANY WAY UPON REQUEST. SUCH RECORDS UNDERSTAND MAY INCLUDE REASONS FOR TERMINATION OF EMPLOYMENT, REASONS FOR DISCHARGE FROM MILITARY SERVICE, CRIMINAL HISTORY, ON THE JOB PERFORMANCE, COMPLETE HISTORY OF INJURIES SUFFERED INCLUDING DISABILITY, EDUCATIONAL RECORDS, OR ANY OTHER PERSONAL INFORMATION WHICH MAY NOT BE OTHERWISE OBTAINED WITHOUT PRIOR AGREEMENT. INCLUDED IN THIS GRANT OF AUTHORITY IS MY PERMISSION TO FORMER EMPLOYERS AND OTHER PERSONS ACQUAINTED WITH ME OR IN POSSESSION OF INFORMATION CONCERNING ME, TO SUPPLY SUCH INFORMATION TO THE SPECIAL INVESTIGATIVE UNIT.

I CERTIFY THE ABOVE ENTRIES ARE TRUE, COMPLETE, AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND ARE MADE IN GOOD FAITH. I UNDERSTAND THAT A KNOWING AND WILLFUL FALSE STATEMENT ON THIS FORM MAY RESULT IN IMMEDIATE DISMISSAL.

*Christ Hall*

SIGNATURE

*1-27-92*

DATE

4870 C

REV: 12/90



THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA  
DEPARTMENT OF INSTRUCTIONAL STAFFING  
P. O. BOX 5408  
FT. LAUDERDALE, FL 33310

APPLICATION FOR INSTRUCTIONAL POSITION

INT \_\_\_\_\_  
REF \_\_\_\_\_  
SCH \_\_\_\_\_

OFFICE USE ONLY  
TEAM NO. 6  
TYPE APPLICANT SN  
ENTRY PRY 1 - 2 - 3  
CERT. PLDS (1) 071  
(2) \_\_\_\_\_  
(3) \_\_\_\_\_  
ENTRY PRY 1 - 2 - 3  
PERS. ADMIN. BH

INDIVIDUAL DATA 1-27-92 ANY Time  
SOCIAL SECURITY NUMBER APPLICATION DATE DATE AVAILABLE

NAME Hall Cheryl Denise Hutchins  
LAST FIRST MIDDLE MIDDLE

CURRENT ADDRESS UNTIL DATE  
5445 N.W. 16th St. Ft. Lauderdale FL 33313  
NO. & STREET CITY STATE ZIP

PERMANENT ADDRESS  
5445 N.W. 16th Ft. Lauderdale FL 33313  
NO. & STREET CITY STATE ZIP

TELEPHONE 970-3891 ALT. TELEPHONE 733-9547

ARE YOU A FORMER BROWARD COUNTY TEACHER? ☐ YES ☒ NO

IF "YES" COMPLETE THE FOLLOWING LINE

NAME AT TIME OF RESIGNATION \_\_\_\_\_

DATE OF RESIGNATION \_\_\_\_\_

POSITION DESIRED ☐ TEACHER (FULL TIME) ☒ TEACHER (SUBSTITUTE)  
☐ TEACHER (PART TIME) ☒ COACH ONLY ☐ OTHER \_\_\_\_\_

GRADE LEVEL: SI ☒ EARLY CHILDHOOD ☒ ELEM (1-6) ☒ MIDDLE (6-8)  
☒ HIGH (9-12) ☒ ADULT/VOCATIONAL

SUBJECT PREFERENCE

English  
1ST PREFERENCE

Social Stud  
2ND PREFERENCE

P.E  
3RD PREFERENCE

DATA ENTERED

JAN 29 1992

COACHING EXTRACURRICULAR ACTIVITIES (PLEASE LIST)

ACTIVITY YEARS OF PARTICIPATION ACTIVITY LOCATION

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
CHECK IF COMPETENT TO COACH ☐  
CHECK IF COMPETENT TO COACH ☐  
CHECK IF COMPETENT TO COACH ☐

FOREIGN LANGUAGE(S)

1. \_\_\_\_\_ ☐ READ ☐ SPEAK ☐ WRITE  
2. \_\_\_\_\_ ☐ READ ☐ SPEAK ☐ WRITE

# EDUCATION

LIST ALL COLLEGES/UNIVERSITIES FROM WHICH DEGREES WERE GRANTED, AND COMPLETE COURSEWORK SUMMARY

COLLEGE/UNIVERSITY	ADDRESS STREET CITY STATE ZIP	YEARS FROM TO	DATE OF GRAD	DEGREE	MAJOR	HOURS SEM	GPA	GPA ..
Florida Memorial College	15800 NW 42nd Ave Miami, FL 33184	Aug 1985 Aug 1989	Aug 1989	B.A. Criminal Justice	Criminal Justice	124	2.8	

## TEACHING EXPERIENCE

A STUDENT TEACHING (SUPERVISED INTERNSHIP)

GRADE PT. AV. (MAJOR)

GRADE PT. AV. (OVERALL)

DATE	SCHOOL NAME AND ADDRESS STREET CITY STATE ZIP	AREA CODE & PHONE NO	NAME OF COOPERATING TEACHER	NAME OF COLLEGE SUPERVISOR	GRADE/SUBJECT TAUGHT

B. TEACHING EXPERIENCE BEGIN WITH MOST RECENT AND LIST ALL EXPERIENCES IN CHRONOLOGICAL ORDER IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEET

YEARS FROM TO	NAME OF SCHOOL	ADDRESS STREET CITY STATE ZIP	AREA CODE PHONE NO	NAME OF PRINCIPAL/ SUPERVISOR	GRADE/ SUBJECT TAUGHT	FULL TIME PART TIME SUB.
1991 TO 1993	Sumner Middle School	1856 Sumner Ln Fort Myers, FL	813 997-2131	Mr. Robinson	Special Ed. All Subjects K-8 Grade	Full Time Sub.
1993 TO 1994				133		
1994 TO 1995						
1995 TO 1996						

TOTAL YEARS OF CONTRACTUAL TEACHING EXPERIENCE (FULL TIME UNDER CONTRACT)

NON-TEACHING  
WORK EXPERIENCE

BEGIN WITH YOUR MOST RECENT AND INCLUDE PAST TEN (10) YEARS OF  
EMPLOYMENT HISTORY IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL  
SHEET

YEARS FROM TO	NAME OF FIRM OR BUSINESS	ADDRESS STREET CITY STATE ZIP	AREA CODE & PHONE NO	NAME OF SUPERVISOR	YOUR POSITION
1991 TO 1993	Broward County Parks & Recreation	North Broward Park Highway 19 Pompano Beach, FL 33062	206 784-1196	Mr. F.	Recreation Aid
1993 TO 1994	Lee County School Board	2005 Central Ave Fort Myers, FL	813 334-1402	Mr. Fabian	Substitute Teacher
1994 TO 1997	City of Fort Myers Parks & Recreation	Edwards Ave, Fort Myers, FL 33901	813 334-2776	Lee Ford	Recreation Leader

**CERTIFICATION**

A CANDIDATE MUST HOLD, OR BE ELIGIBLE FOR, A VALID FLORIDA EDUCATOR'S CERTIFICATE FOR THE SUBJECT AND LEVEL IN WHICH HIRED TO TEACH. INQUIRIES ABOUT CERTIFICATION REQUIREMENTS IN FLORIDA SHOULD BE DIRECTED TO THE CERTIFICATION SECTION, DEPARTMENT OF EDUCATION, TALLAHASSEE, FLORIDA 32399.

DESCRIBE ANY FLORIDA EDUCATOR'S CERTIFICATE (S) YOU HAVE BEEN ISSUED (INCLUDE TYPE, DATE ISSUED, DATE EXPIRED, SUBJECT AND LEVELS)

Substitute Certificate, July 1, 1989 -  
June 30, 1994 K-12 Academic.

IF YOU HAVE APPLIED FOR A FLORIDA EDUCATOR'S CERTIFICATE PROVIDE THE FOLLOWING

DATE APPLIED 19 SUBJECT(S) REQUESTED \_\_\_\_\_

INCLUDE A COPY OF YOUR STATEMENT OF ELIGIBILITY FROM THE FLORIDA DEPARTMENT OF EDUCATION. (IF YOU HAVE NOT RECEIVED IT, SEND COPY WHEN RECEIVED). INCLUDE COPIES OF SCORES FOR ANY FLORIDA CERTIFICATION TEST (S) YOU HAVE TAKEN.

IF YOU HOLD, OR HAVE HELD, TEACHING CERTIFICATES IN ANY OTHER STATE, PROVIDE THE NAME OF THE STATE, THE TYPE OF CERTIFICATE, DATES ISSUED AND EXPIRED, AND SUBJECT (S).

HAVE YOU EVER HAD A TEACHING CERTIFICATE FROM ANY STATE SUSPENDED OR REVOKED ?

YES ☒ NO ☐ STATE \_\_\_\_\_ EXPLAIN \_\_\_\_\_

**BEGINNING TEACHER PROGRAM**

PERSONS APPLYING FOR AN INITIAL FULL TIME FLORIDA EDUCATOR'S CERTIFICATE ARE REQUIRED TO PARTICIPATE IN THE FLORIDA BEGINNING TEACHER PROGRAM. THE PROGRAM PROVIDES 180 DAYS OF SUPERVISED SUPPORT SERVICE DURING THE FIRST YEAR OF TEACHING IN A FLORIDA SCHOOL.

IF YOU HAVE PARTICIPATED IN A FLORIDA BEGINNING TEACHER PROGRAM, NAME THE DISTRICT \_\_\_\_\_ START \_\_\_\_\_ 19 \_\_\_\_\_ END \_\_\_\_\_ 19 \_\_\_\_\_

REASON FOR NOT COMPLETING THE PROGRAM \_\_\_\_\_

WITH VERIFICATION, DOCUMENTATION OF AT LEAST ONE (1) FULL SCHOOL YEAR OF ELEMENTARY OR SECONDARY TEACHING EXPERIENCE IN A UNITED STATES OR U.S. DEPENDENTS SCHOOL YOU MAY BE ELIGIBLE FOR THE EXPERIENCED PROGRAM. YOU MUST HAVE BEGUN ON THE DAY TEACHERS REPORTED TO WORK AND CONTINUED UNTIL THE LAST DAY TEACHERS WORKED AT THE END OF THE SCHOOL YEAR.

SCHOOL \_\_\_\_\_ START \_\_\_\_\_ /19 \_\_\_\_\_ END \_\_\_\_\_ /19 \_\_\_\_\_

ADDRESS \_\_\_\_\_

EXPERIENCE MUST BE OFFICIALLY VERIFIED AND DOCUMENTED WHEN EMPLOYED.

Instructional Staffing Department

SUBSTITUTE TEACHER CLEARANCE FORM

Cheryl D. Hall  
Name

267-63-6148  
Social Security Number

- ☒ Fingerprinted 1-28-91 *RW* ☐ Substitute Finder Curriculum Form
- ☐ Social Security Card ☐ Substitute Finder Location Form
- ☐ Personal Data Form ☒ Complete Application
- ☐ W-2 Form ☒ Security Check AP 1/24/92
- ☐ Loyalty Oath ☐ Satisfactory References
- ☐ I-9 Form ☒ Complete Transcripts
- ☐ Retirement ☐ Bachelor's Degree or higher
- ☐ \*Non-degreed (60 semester hours with proof of enrollment)

Comments \_\_\_\_\_

Please read the following statements carefully. Your signature below signifies that you agree with these statements and Broward County School Board policy as conditions of your employment.

I understand that my name may be removed from the approved substitute teacher list when three or more schools have either negatively evaluated my work as a substitute teacher or have requested that I not return to their location.

I understand that six refusals per month to accept substitute assignments may be grounds to remove my name from the approved substitute teacher list.

I understand that I must call Sub Central's voice mail at 768-8694 the first time I substitute in any given location, otherwise I will not get paid for said work.

I understand that there are currently over 3,000 substitutes on the board approved substitute list and that steady employment is not guaranteed.

According to Florida State Statute, I understand that if I have an interruption of service which exceeds ninety days, or if I do not work for this school year, I will have to pay \$40.00 (fee for fingerprint processing) and be fingerprinted again.

I understand that my applicant file will be destroyed, if I do not work for the Broward County School Board.

I understand, I must work during this school term and return the Substitute Agreement Form, which is mailed in May, in order to be renewed each school year.

In order to be renewed as a substitute teacher, I must submit to Sub Central a letter from the college verifying progress of enrollment working towards a degree at the beginning of each school year.

I must begin as a substitute teacher on 2/4/92 (The Substitute Teacher Clearance Form is valid for thirty days from this date.)

Cheryl D. Hall  
Signature of Applicant

1-28-92  
Date

Donna Harris  
Signature of Authorized Rep. Member

1/28/92  
Date

Original/Pile - Yellow/Employee

10/07/91

DEFENDANT'S  
EXHIBIT

2  
11/8/00

0039

SSV *Cofe* RECEIVED  
OCT 04 1994  
SUB-CENTRAL

ATTENTION: SUB CENTRAL

I am writing this letter to inform you that I have moved from 851 North Paceside Rd Pompano Beach, FL 33069. and I now reside at 4730 NW 7th St, Ft. Lauderdale, FL 33309. I am now asking you to please make a note of this information and to please update my file with the new information as soon as possible. If you have any questions you may contact me at 763-3000 or my home number.

POOR QUALITY DOCUMENT

Thank You  
V. A. Chub  
SS#: 447643

RECEIVED  
OCT 05 1994  
Personnel Records

New Address  
DATA  
OCT 5 1994

DEFENDANT'S  
EXHIBIT  
3  
Rd 11/6/94





AUG 01 1984

600 Southeast 3rd Avenue, Ft. Lauderdale, FL 33301

SF

**CERTIFICATE INFORMATION**

## MAY 25 1995

**Subject Area/s:**

**Fee: \$54.00 money order payable to The School Board of Broward County. Fee is non-refundable.**

ARREST/REVOCATION  
RECORD

Have you ever been convicted, found guilty, or entered a plea of nolo contendere (no Contest) to a crime other than a traffic violation? A YES or NO answer is required by Florida law. If you checked the YES box, you must give the information requested for each charge. If more space is needed, use the back.

Have you ever had a teaching certificate revoked, suspended, or denied by any state; or is there any action pending against your certificate or application in any state? (A determination of academic ineligibility is not considered denial of a certificate.) If Yes, which state? \_\_\_\_\_

Have you ever been placed on probation, suspended, or reprimanded by the Education Commission of the State of Florida?

**DEFENDANT'S  
EXHIBIT**

I certify that the above entries are true, complete, and correct to the best of my knowledge and made in good faith. I understand that a knowing and willful falsification on this form may result in immediate dismissal.

**Signature**

AUG 01 1994

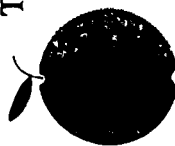
Date \_\_\_\_\_

**SUB-CENTRAL**

0017

# THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

*This Certifies That*



CHUCK DENISE SEARS

*having satisfactorily completed all requirements of law, State Board of Education Rules and School Board of Broward County Policies, thereby demonstrating satisfactory evidence of professional competence in the coverages listed below, is hereby issued this Educator's Certificate and is entitled to all Rights and Privileges appertaining thereto.*

CERTIFICATE TYPE

SUBSTITUTE TEACHER

VALIDITY PERIOD

JULY 1, 1994 - JUNE 30, 1999

SUBJECT COVERAGES

9.	1	6	077	SUBSTITUTE TEACHER							
----	---	---	-----	--------------------	--	--	--	--	--	--	--

\*Level:

0. Early Childhood  
 1. Grades 6-12  
 2. Adult  
 3. Grades 1-5  
 4. Birth-Age 3  
 5. Endorsement  
 6. No Specified Level  
 7. Vocational  
 8. Grades K-3  
 9. PK-Grade 3  
 T. Inservice II

Department of  
 Education Number  
 0000000

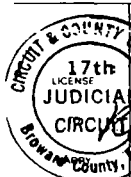
SOCIAL SECURITY NUMBER  
 [Redacted]

Coordinator, Certification/Incentives

Superintendent of Schools

DUPLICATE

APPLICATION TO MARRY		AFFIDAVIT	
GROOM	1. GROOM'S NAME (First Middle Last) <b>DAVID STEPHON SEARS</b>	7. DATE OF BIRTH (Month/Day/Year) <b>MAR 11, 1967</b>	
DATA	3a. RESIDENCE - CITY/TOWN OR LOCATION <b>FORT LAUDERDALE</b>	3b. COUNTY <b>BROWARD</b>	3c. STATE <b>FLORIDA</b>
DATA	5a. BRIDE'S NAME (First Middle Last) <b>CHERL DENISE HALL</b>	5b. MAIDEN SURNAME (if different) <b>HUTCHINS</b>	6. DATE OF BIRTH (Month/Day/Year) <b>JUN 23, 1966</b>
DATA	7a. RESIDENCE - CITY/TOWN OR LOCATION <b>FORT LAUDERDALE</b>	7b. COUNTY <b>BROWARD</b>	7c. STATE <b>FLORIDA</b>
DATA	8. BIRTHPLACE (State or Foreign Country) <b>ALABAMA</b>		
WE, THE APPLICANTS NAMED IN THIS CERTIFICATE, EACH FOR HIMSELF, STATE THAT THE INFORMATION PROVIDED ON THIS RECORD IS CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF THAT NO LEGAL OBJECTION TO THE MARRIAGE NOR THE ISSUANCE OF A LICENSE TO AUTHORIZE THE SAME IS KNOWN TO US AND HEREBY APPLY FOR LICENSE TO MARRY.			
AFFIDAVIT	9. GROOM'S SIGNATURE (Sign full name) <i>David Sears</i>	13. BRIDE'S SIGNATURE (Sign full name) <i>Cherl Denise Hall</i>	
OF BRIDE	10. SUBSCRIBED AND SWORN TO BEFORE ME ON <b>JUL 21, 1995</b>	11. TITLE OF ISSUING OFFICIAL <b>DEPUTY CLERK</b>	14. SUBSCRIBED AND SWORN TO BEFORE ME ON <b>JUL 21, 1995</b>
AND GROOM	12. SIGNATURE OF ISSUING OFFICIAL <i>R. Carr</i>	15. TITLE OF ISSUING OFFICIAL <b>DEPUTY CLERK</b>	16. SIGNATURE OF ISSUING OFFICIAL <i>R. Carr</i>
<b>LICENSE TO MARRY</b>		<b>CERTIFICATE OF MARRIAGE</b>	
17. AUTHORIZATION AND LICENSE IS HEREBY GIVEN TO ANY PERSON DULY AUTHORIZED BY THE LAWS OF THE STATE OF FLORIDA TO solemnize the MARRIAGE OF THE NAMED PERSONS.		21. I HEREBY CERTIFY THAT THE ABOVE NAMED BRIDE AND GROOM WERE JOINED WITHIN THE LAWS OF THE STATE OF FLORIDA.	
18. DATE OF EXPIRATION <b>JUL 21, 1995</b>		22. SIGNATURE OF PERSON PERFORMING CEREMONY <i>R. Carr</i>	
19. DATE OF EXPIRATION <b>SEP 18, 1995</b>		23. NAME OF PERSON PERFORMING CEREMONY (TYPE OR PRINT) <b>R. CARR</b>	
20. COUNTY <b>BROWARD COUNTY</b>		24. ADDRESS <b>515 SW 2ND AVE FT LAUDERDALE, FL</b>	
25. DATE RETURNED		26. SIGNATURE OF WITNESS TO CEREMONY	
27. CLERK OF COURT		28. SIGNATURE OF WITNESS TO CEREMONY	
INFORMATION BELOW WILL NOT APPEAR ON CERTIFICATION ISSUED BY VITAL STATISTICS, EXCEPT UPON REQUEST			
GROOM	29. RACE <b>BLACK</b>	30. NUMBER OF THIS MARRIAGE <b>01</b>	31. PREVIOUS MARRIAGE ENDED BY (SPECIFY DEATH, DIVORCE OR ANNULMENT) <b>DIVORCE</b>
BRIDE	32. RACE <b>BLACK</b>	33. NUMBER OF THIS MARRIAGE <b>02</b>	34. PREVIOUS MARRIAGE ENDED BY (SPECIFY DEATH, DIVORCE OR ANNULMENT) <b>DIVORCE</b>
35. DATE LAST MARRIAGE ENDED <b>JAN 15, 1992</b>		36. DATE LAST MARRIAGE ENDED <b>JAN 15, 1992</b>	



HRS Form 743B Dec 89  
Obsoletes previous editions

This license not valid unless seal of Clerk  
Circuit or County Court, appears thereon.

AUDIT CONTROL NO **B136J0C**

**DEFENDANT'S  
EXHIBIT**

**5**  
**11/8/00**

*Williams, Calvin* 9-7-66

DEFENDANT'S  
EXHIBIT  
6  
11/9/00

SHERIFF'S OFFICE  
BROWARD CO., FL

DATE

DATE ENTERED: 11/23/95

BY: *D. Rosemore*

RECORDS

BTS Number 0007742081		Print Clearing BY		Name Search 44-7637		Teletype 11-7578 00/00/00	
Inest Number BS9511138		Offense Report Number BS-950516697		BCCN Number <del>44-7637</del>		Booking Sheet Control Date & Time 06/15/95 06:00	
First Name SEARS		First DAVID		SSN 264-71-0034		Probation N	
Last Name SEARS		Middle DAVID		Driver's License Yes No		State FL	
Inest/Nk Name		Race	Sex	Hgt.	Wgt.	Eyes	Hair
		B	M	504	130	BRN	BLK
		Comp.	Age	Date of Birth	Place of Birth		
		DRK	028	03/11/67	NASSAU		
		CU	CH	US			

cars, Marks, Tattoos TART ARM		Bldg ST		Apt LAUDERHILL		City FL		Yrs. 00		Mths. 00	
Permanent Address 4730 NW 11		Resident of Florida? YES		Yrs. 28		Mths. 00		Phone Number 305-797-7968		U.S. Vet NO	

OH	Other Medical	TO BE SCREENED	
----	---------------	----------------	--

Employer LASTER LAWN SERVICE		Occupation LAWN CARE	
Arrest Date 06/14/95	Arrest Time 23:55	Arresting Officer PARR	I.D. Number 1256
Booking Date 06/15/95	Booking Time 05:53	Booking Officer BERNERT	I.D. Number D BS4375

Date	Charges	MagCode/comments	Capias/Warrant Number	Bond
061595	001 MURDER	6FY	D	NB
061595	002 OPER AGAINST RESTRICTION	XTY	D	25.00
061595	003 POSSESSION COCAINE	3FY	D	1000.00

12 D 21W mmi 11  
D 27W 100

XBS 8713803

*NC Computer*  
BOOKING RMKS# 29/54 7578 WC/7617

CHARGES 2 AND 3 ARE UNDER FT. LAUD.  
CASE NUMBER 95-95287

508 50 87 13803

Release Reason		Released By		Released To		Date Released		Time Released	
Arrest No. BS9511138		Last Name SEARS		First DAVID		Unattended Children?			
Date 06/15/95	Time 05:53	Sex M	Race B	Date of Birth 03/11/67	Armed	Dang.	Resist	Rabbit	Succ.
Sn No. 1205	IP Box No.	Bulk No.	Vehicle Towed To:						
Currency \$					Language msg: DETAINEE SPEAKS ENGLISH				

0103

DEFENDANT'S LAST NAME <i>SPARS</i>						FIRST <i>DAVID</i>			MIDDLE	SUF	ALIAS/STREET NAME				CITIZENSHIP <i>USA *</i>		
RC <i>B</i>	SEX <i>M</i>	HGT. <i>5'4"</i>	EYES <i>BR</i>	HAIR <i>BLK</i>	WGT. <i>130</i>	COMP. <i>OK</i>	AGE <i>28</i>	O.O.B. <i>3-14-67</i>	BIRTHPLACE <i>DASSA BOHATTAS</i>			SCARS, MARKS TT <i>Ri Arm</i>					
PERMANENT ADDRESS <i>4730 NW 11 St. Lauderdale FL</i>									LOCAL ADDRESS <i>4730 NW 11 St. Lauderdale</i>								
									PLACE OF EMPLOYMENT <i>Lester Land Service</i>			LENGTH					
RESIDENCE TYPE:		(1) CITY	(2) COUNTY	(3) FLORIDA	(4) OUT-OF-STATE												
HOW LONG DEFENDANT IN BROWARD COUNTY			BREATHALYZER BYCCCN		READING		PLACE OF ARREST <i>FLAS. 2601 W. Broward</i>		DATE/TIME ARRESTED <i>6-14-65</i>		ARRESTING OFFICER(S) CGN <i>Pine 1276</i>						
OFFICER INJURED <input type="checkbox"/>	UNIT <input checked="" type="checkbox"/> X	ZONE	BEAT	SHIFT	UNIT TRANSPORTING PRISONER			TRANSPORTING OFFICER CGN			PICK-UP TIME: TIME ARRIVED AT BSO		DRUG TYPE				
Y <input type="checkbox"/> N <input type="checkbox"/>	B-BARIUMURATE C-COCAINE E-HEROIN		H-HALLUCINOGEN M-MARIJUANA O-OPIUM		P-PARAPHERNALIA E-EQUIPMENT S-SYNTHETIC		U-UNKNOWN Z-ZOTHER		ACTIVITY		S-SELL B-BUY T-TRAFFIC		S-SAMPLE D-DENVER U-USE	M-MANUFACTURE P-PRODUCE/ C-CULTIVATE	K-KOSPOSE Z-ZOTHER D-DISTRIBUTE	INDICATION OF ALCOHOL INFLUENCE DRUG INFLUENCE	Y <input type="checkbox"/> N <input type="checkbox"/> UK <input type="checkbox"/>

VEHICLE TOWED TO

NAME OF VICTIM (IF CORPORATION, EXACT LEGAL NAME AND STATE OF INCORP.)		ADDRESS		PHONE #
VINCENT SMALL		1909 NW 46 Ave		Lawrenceville, Ga.
COUNT NO.	OFFENSES CHARGED	CITATION #, IF APPLICABLE	F.S. # OR CAPIAS/WARRANT #	
1	MURDER		782-04	

Before me this date personally appeared ROBERT H. HARRIS who being first duly sworn deposes and says that on MAY 29 day of 1998 at 4701 NW 14th LAWRENCEVILLE, FL (crime location) the above named defendant committed the above offenses charged and the facts showing probable cause to believe same are as follows:

City of Milwaukee Police officers responded to the Stop and Shop store on 16 about 11:40am. After 16 victim was shot and collapsed across the street at a private home. The victim died at Broward General Hospital later that evening.

Witness Wanda Brucers observed 16 defendant arrive at 16 grocery in a

I swear the above statement is correct and true to the best of my knowledge and belief.

OFFICER/AFFIANT'S SIGNATURE

OFFICER'S NAME/CCN

OFFICER'S DIVISION

STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this 15 day of June, 19 78, who is personally known to me or who has produced (ID Type) \_\_\_\_\_ as identification and who \_\_\_\_\_ take an oath.

(SEAL OR STAMP)

DEPUTY CLERK OF THE COURT, NOTARY PUBLIC, OR ASSISTANT STATE ATTORNEY

TITLE OR RANK/CGN

SEVENTEENTH JUDICIAL CIRCUIT  
BROWARD COUNTY  
STATE OF FLORIDA

FIRST APPEARANCE / ARREST FORM

SHOULD ADDITIONAL SPACE BE NEEDED, USE PROBABLE CAUSE AFFIDAVIT CONTINUATION

Ong - Court  
2nd - State Atty  
3rd - Filing Agency  
4th - Arresting Agency

COUNTY NO.		FIRST		MIDDLE	SUF.	HGT.	WGT.	RC	SEX	D.O.B.	3/1/67	OFFENSE REPORT	95-5-14697	ARRESTING OFFICER (S/IC)	PHONE #
DEFENDANT'S LAST NAME		DAVIS										ADDRESS		1904 New to the Lawrenceville, GA	
COUNT NO.		1		MURDER								CITATION #, IF APPLICABLE		792-04	
COUNT NO.		1		MURDER								CITATION #, IF APPLICABLE		792-04	

Before me this date personally appeared Robert H. Parr 19 25 day May at 1781 New to the Lawrenceville who being first duly sworn deposes and says that on 29 day May 19 95 at 1781 New to the Lawrenceville (crime location) if above named defendant committed the above offenses charged and the facts showing probable cause to believe same are as follows:

Chaillac with beat Abene root and cold training prisoner  
the EAST side of the parades. Samuel observed the defendant  
approach the victim and begin to argue with him.  
The defendant was described as wearing a white keeshine.  
The defendant was described as having a short Afro  
haircut, and the handgun which the defendant carried was  
concealed in his waistband. Samuel describes the shooter as 20-30  
Samuel observed the shooter to pull out the pistol described  
as an automatic, then begin to strike the victim with the  
pistol on the head and face. After striking the victim  
who state Samuel heard a gun shot, observed the victim  
bleeding, observed the victim cross the street then collapse  
onto a lawn.  
Witness Samuel identified the defendant from a photo lineup  
and signed a photo lineup affidavit.  
Samuel states that the vehicle left the scene southbound.

I swear the above statement is correct and true to the best of my knowledge and belief.

OFFICER/AFFIANT'S SIGNATURE R.H. Parr 1256  
 COUNTY OF DAVIS  
 STATE OF GA

The foregoing instrument was acknowledged before me this 15 day of June 19 95 who is personally known to me or who has produced to me identification and who did or did not take an oath.

DEPUTY CLERK OF THE COURT, NO. 1 ARY PUBLIC, OR ASSISTANT STATE ATTORNEY  
 FIRST APPEARANCE/ARREST FORM

0105

DEFENDANT'S LAST NAME		FIRST	MIDDLE	SUF.	HGT.	WGT.	HC	SEX	D.O.B.	OFFENSE REPORT	ARRESTING OFFICER (SIGN)
Sears, David					5'4"	130	B	M	3/14/67	95-5-16697	RH. Parr #1256
NAME OF VICTIM (IF CORPORATION, EXACT LEGAL NAME AND STATE OF INCORP.)										ADDRESS	
Vincent Small (Deceased)										1909 NW 46 Ave, Lauderdale	
COUNT NO.										OFFENSES CHARGED	
1										murder	
CITATION #, IF APPLICABLE										F.S. # OR CAPIAS/WARRANT #	
										182.04	

Before me this date personally appeared Robert H. Parr who being first duly sworn  
deposes and says that on 29 day of May, 1995 at 4701 NW 14 ST Lauderdale (city or location) the  
above named defendant committed the above offenses charged and the facts showing probable cause to believe same are as follows:

Witness Asha Eubanks and Jermaine Prince were both seated in an automobile next to the crime scene. Both described the automobile driven by the shooter as white. Prince recalls that the shooter pulled a handgun from his waistband and began beating the victim in the face and head with the gun while the victim pleaded with him to stop. The shooter fired one time striking the victim who was now on the ground. The witness saw the victim walk across the road and finally collapsed on a lawn.

Et Lauderdale Police stopped the defendant who was driving a white Cadillac with a blue fabric roof. Gold trim ornaments with light window tint. The defendant was arrested for a traffic offense and possession of crack cocaine, at which time your Affiant was called and advised. Witness Eubanks and Prince reported that the shooter looked similar to the person who committed the crime.

I swear the above statement is correct and true to the best of my knowledge and belief.

[Signature] OFFICER/AFFIANT'S SIGNATURE RH Parr OFFICER'S NAME/CCN 1256 OFFICER'S DIVISION

STATE OF

COUNTY OF

The foregoing instrument was acknowledged before me this 15 day of June, 1995, who is personally known to me or who has produced (ID Type) \_\_\_\_\_ as identification and who \_\_\_\_\_ (DO OR DID NOT) take an oath.

(SEAL OR STAMP)

DEPUTY CLERK OF THE COURT, NOTARY PUBLIC, OR ASSISTANT STATE ATTORNEY

TITLE OR RANK/CCN

SEVENTEENTH JUDICIAL CIRCUIT  
BROWARD COUNTY

FIRST APPEARANCE/ARREST FORM

Orig. - Court  
2nd - State Atty  
3rd - Filing Agent  
4th - Arresting A

0106





BROWARD COUNTY ARREST NO. 41136										DATE 12/22/2000										OBT. NO.																																																																																																																							
BOOKING NO. 95-95287										DOCUMENT # 34										ENTERED ON FLSD DOCKET 12/22/2000																																																																																																																							
DEFENDANT'S LAST NAME										FIRST										MIDDLE										SUF										ALIAS/STREET NAME										CITIZENSHIP																																																																																									
SEARS										DAVID										NMN																				DAVE										R BILLY																																																																																									
RC		SEX		HGT.		EYES		HAIR		WGT.		COMP.		AGE		D.O.B.		BIRTHPLACE										SCARS, MARKS, (T)																																																																																																															
B		M		5'4"		B.B		BLU		135		LT.		28		3-11-67		NASSAU, BAH. (REAL PAU)																																																																																																																									
PERMANENT ADDRESS										33313										LOCAL ADDRESS										4730 N.W. 11 <sup>TH</sup> ST. L. HILL										LENGTH																																																																																																			
RESIDENCE TYPE:										(1) CITY										(2) COUNTY										(3) FLORIDA										(4) OUT-OF-STATE										PLACE OF EMPLOYMENT										LASTING EMPLOYER																																																																															
HOW LONG DEFENDANT- IN BROWARD COUNTY										BREATHALYZER BYCCN										READING										PLACE OF ARREST										DATE/TIME ARRESTED										ARRESTING OFFICER(S)																																																																																									
28 YRS.																														1500 E. SUNRISE										6-14-95										R.P. MARTIN																																																																																									
OFFICER INCUED										UNIT										ZONE										BEAT										SHIFT										UNIT TRANSPORTING PRISONER										TRANSPORTING OFFICER/CO										PICK-UP TIME										DRUG TYPE																																																											
Y <input type="checkbox"/> N <input checked="" type="checkbox"/>										M-14102										PR-2																																																																																																																							
TIME										TIME ARRIVED AT BSO																																																																																																																																	
TYPE										B-BARBITURATE										H-HALLUCINOGEN										P-PSYCHEDELIC										U-UNKNOWN										ACTIVITY										ACTIVITY										S-SELL										B-BAGGAGE										M-MANUFACTURE										I-INDUSTRY										O-OTHER										INDICATION OF ALCOHOL INFLUENCE										Y <input type="checkbox"/> N <input type="checkbox"/> UN <input type="checkbox"/>									
M-AMPHETAMINE										C-COCAINE										M-MARIJUANA										P-PARALYTIK										Z-OTHER										S-SYNTHETIC										P-PROCESS										T-TRAFFIC										E-EDGE										O-OUTLINE										D-DISPOSSE										Z-OTHER										INDICATION OF ALCOHOL INFLUENCE										Y <input type="checkbox"/> N <input type="checkbox"/> UN <input type="checkbox"/>									

VEHICLE TOWED TO K.P.D.

NAME OF VICTIM (IF CORPORATION, EXACT LEGAL NAME AND STATE OF INCORP.)		ADDRESS	PHONE #
COUNT NO.	OFFENSES CHARGED	CITATION #, IF APPLICABLE	F.S. # OR CAPAS/WARRANT #
1	OPERATIVE VIOL. AGAINST RESTRICTIONS (BUSINESS PURPOSES ONLY)	281816-K	322.16
2	POSSESSION OF COCAINE		

Before me this date personally appeared RICHARD L. MARTIN who being first duly sworn  
deposes and says that on 14 day of JUNE 1995 at 1506 E. Sunrise Blvd. Ft. Lauderdale, FL  
above named defendant committed the above offenses charged and the facts showing probable cause to believe same are as follows: Broward County

THE UNDERSIGNED OFFICER + OFF. D. PORIO INITIALLY OBSERVED THE  
ARRESTED VEHICLE IN THE 2300 BCK OF N.W. 19<sup>TH</sup> ST. AS IT WA  
EASTBOUND. THE VEHICLE FIT THE DESCRIPTION OF A VEHICLE TH  
WAS A SUSPECT VEHICLE IN A HOMICIDE WHICH BSO WAS HAND  
LINE. DET. PARR OF BSO HAD GIVEN THESE OFFICERS CONTINUED

I swear the above statement is correct and true to the best of my knowledge and belief.

K.P. Martin OFFICER/AFFIANT'S SIGNATURE K.P. MARTIN 514 OFFICER'S NAME/CCN

STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this 15 day of JUNE, 1995 who is personally known to me or who has produced (ID Type) A as identification and who (DID OR DID NOT) take an oath.

(SEAL OR STAMP)

DEPUTY CLERK OF THE COURT, NOTARY PUBLIC OR ASSISTANT STATE ATTORNEY

0108

SEVENTEENTH JUDICIAL CIRCUIT  
BROWARD COUNTY  
STATE OF FLORIDA

FIRST APPEARANCE / ARREST FORM

SHOULD ADDITIONAL SPACE BE NEEDED, USE PROBABLE CAUSE AFFIDAVIT CONTINUATION

Orig - Court  
2nd - State Atty  
3rd - Filing Agency  
4th - Arresting Agency



[illegible]

Before me this date personally appeared RICHARD F. THOMPSON who being first duly sworn  
deposes and says that on 14 day of JUNE, 1995 at 1500 E. SUNRISE BLVD. FT. LAUDERDALE  
above named defendant committed the above offenses charged and the facts showing probable cause to believe same are as follows: BROWARD COUNTY

THE ARRESTED SCARS HAD, BUT IT HAD A RESTRICTION FOR  
WORK PURPOSES ONLY, AND THE ARRESTED HAD RELATED TO  
OFF. MARTIN THAT HE WAS NOT WORKING, RATHER HE + HIS  
GIRLFRIEND (PASS. IN VEHICLE) CHERYL DENISE HALL WERE  
GOING SHOPPING.

AT THIS POINT SEARS WAS PLACED UNDER ARREST FOR VIOLATION OF RESTRICTIONS ON D.C. + A TOW TRUCK WAS CALLED TO THE SCENE. IT SHOULD ALSO BE NOTED THAT SEARS HAD A LARGE AMMOUNT OF CASH IN HIS POSSESSION + HE ALSO HAS A PAST ARREST RECORD FOR NARCOTICS VIOLATIONS. OFFICER MONIZ WAS ON THE SCENE WITH HIS DRUG DOG KONAN, WHO WAS THEN UTILIZED TO CONDUCT A SEARCH OF THE VEHICLE. THE DRUG DOG LOCATED 14 GMS OF COCAINE UNDER THE DASH OF THE VEHICLE. THE DRUG DOG ALSO "HIT" ON THE CASH THAT SEARS + HALL HAD IN THEIR POSSESSION. THE VEHICLE WAS THEN TOWED TO F.I.P.D. CONFISCATION.

I swear the above statement is correct and true to the best of my knowledge and belief.

OFFICER/AFFIANT'S SIGNATURE

K.P. MARTIN 511  
OFFICER'S NAME/CON

Patrol  
OFFICER'S DIVISION

STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this 5 day of JUNE, 1985, who is personally known to me or who has produced (ID Type) A as identification and who did or did not take an oath.

CONTINUED

Q110

(SEAL OR STAMP)

DEPUTY CLERK OF THE COURT, NOTARY PUBLIC, OR ASSISTANT STATE ATTORNEY

TITLE OR RANK/CCN

FIRST APPEARANCE/ARREST FORM

SEVENTEENTH JUDICIAL CIRCUIT  
BROWARD COUNTY

Orig - Court  
2nd - State Atty  
3rd - Filing Age  
4th - Arresting

06/17/2000 17:00  
Broward County  
Arrest No. 00017-WPD  
Document 34  
Entered on FLSD Docket 12/22/2000  
Page 1

COMPLAINT AFFIDAVIT  
PROBABLE CAUSE AFFIDAVIT CONTINUATION  
OFFENSE NO. 114  
B-10276

DEFENDANT'S LAST NAME FIRST MIDDLE SUFFIX HGT. WGT. R/C SEX D.O.B. OFFENSE REPORT ARRESTING OFFICER (SICCN)  
SEARS, DAVID \$'4 135 B M B-11-67 95-95287 R.P. MARTIN S

NAME OF VICTIM (IF CORPORATION, EXACT LEGAL NAME AND STATE OF INCORP.) ADDRESS PHONE #

COUNT NO.	OFFENSES CHARGED	CITATION #, IF APPLICABLE	F.S. # OR CAPIAS/WARRANT #

Before me this date personally appeared RICHARD P. MARTIN who being first duly sworn  
deposes and says that on 14 day JUNE 19 95 1500 E. SUNRISE BLVD. F. LAUD  
above named defendant committed the above offenses charged and the facts showing probable cause to believe same are as follows: BROWARD COUNTY

THE NARCOTICS WAS VACTOX TESTED BY OFF. MONIZ + SHOWED POSITIVE FOR COCAINE. THE NARCOTICS + CASH WAS PLACED INTO EVIDENCE BY OFF. MONIZ.

DET. PARR + DET. O'NEAL ALSO RESPONDED TO E. SUNRISE + IS AVE. + REQUESTED THAT BOTH SEARS + HALL BE BROUGHT TO B.S.O HEADQUARTERS SO THEY COULD FURTHER THEIR INVESTIGATION OF THEIR HOMICIDE.

AT THIS POINT SEARS HAD BEEN CHARGED WITH VIO. OF RES. ON HIS D.L. + ALSO POSS. OF COCAINE, AND HALL WAS CHARGED WITH POSS. OF COCAINE, WHICH OFF. MONIZ WAS INITIATING.

I swear the above statement is correct and true to the best of my knowledge and belief.

R.P. Martin  
OFFICER/AFFIANT'S SIGNATURE

R.P. MARTIN S11  
OFFICER'S NAME/CCN

PATROL  
OFFICER'S DIVISION

STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this 15 day of JUNE, 19 95, who is personally known to me or who has produced (ID Type) \_\_\_\_\_ as identification and who \_\_\_\_\_ take an oath.  
(DO OR DID NOT)

[Signature]  
DEPUTY CLERK OF THE COURT, NOTARY PUBLIC, OR ASSISTANT STATE ATTORNEY

POLICE 206  
TITLE OR RANK/CCN

SEVENTEENTH JUDICIAL CIRCUIT  
BROWARD COUNTY

FIRST APPEARANCE/ARREST FORM

0111  
(SEAL OR STAMP)

Org. Court  
2nd State Atty  
3rd Filing Agent  
4th Arresting Ag.

<input type="checkbox"/> 17th Judicial Circuit in and for Broward County <input type="checkbox"/> In the County Court in and for Broward County		CLOCK IN
DIVISION: <input type="checkbox"/> CRIMINAL <input type="checkbox"/> TRAFFIC <input type="checkbox"/> OTHER	ORDER	
THE STATE OF FLORIDA VS. <u>DAVID SEARS</u>		CASE NUMBER <u>GRAND JURY</u>
PLAINTIFF	DEFENDANT	

CHARGE MURDER IN THE FIRST DEGREE

THE GRAND JURY HAVING THIS DATE - JULY 5, 1995, SPRING TERM GRAND JURY, RETURNED A NO TRUE BILL AS TO THE DEFENDANT, IT IS HEREBY ORDERED THAT THE DEFENDANT SHALL BE RELEASED FROM CUSTODY AS TO THIS CASE, ONLY.

DONE AND ORDERED THIS 20 DAY OF JULY, 1995, IN  
BROWARD COUNTY, FLORIDA Nunc Pro Tunc, July 5, 1995

JUDGE

BRESCHER

COPIES:

BSO

SAO

060711-0000 Document 34 Entered on FLSD Docket 12/22/2000

FILING AGENT		OFFENSE		PORT		LOCAL I.D. NO.		FBI		SS NO.	
HALL		CHOLL		DENISE							
RC	SEX	HGT.	EYES	HAIR	WGT.	COMP.	AGE	D.O.B.	BIRTHPLACE		SCARS, MARKS, TT
B	F	5'03"	BAN	BLK	130	MED	28	06-23-66			
PERMANENT ADDRESS								LOCAL ADDRESS			
4730 NW 11 ST LAUDERHILL, FL. 33313								PLACE OF EMPLOYMENT			
RESIDENCE TYPE (1) CITY (2) COUNTY (3) FLORIDA (4) OUT-OF-STATE								LENGTH			
HOW LONG DEFENDANT IN BROWARD COUNTY								DATE/TIME ARRESTED			
BREATHALYZER BYCCN								ARRESTING OFFICER(S) CCN			
READING								PICK-UP TIME			
1500 E. SUNRISE BLVD								7-95 1200 M. J. MORRIS			
OFFICER INJURED								DRUG TYPE			
Y <input type="checkbox"/> N <input checked="" type="checkbox"/>											
UNIT		ZONE		BEAT		SHIFT		UNIT TRANSPORTING PRISONER		TRANSPORTING OFFICER/CCN	
X		100		100		II					
TIME		ARRIVED AT BSO		TIME		ARRIVED AT BSO		TIME		ARRIVED AT BSO	
TYPE		B-BREATHALYZER		H-HALLUCINOGEN		P-PARAPHERNALIA		U-UNKNOWN		ACTIVITY	
N-NARCOTICS		C-COCAINE		M-MARIJUANA		E-EQUIPMENT		Z-OTHER		ACTIVITY	
A-AMPHETAMINE		E-ECRONE		O-OPUM		S-SYNTHETIC				ACTIVITY	
H-HALLUCINOGEN		P-PARAPHERNALIA		U-UNKNOWN		Z-OTHER				ACTIVITY	
S-SYNTHETIC										ACTIVITY	

DEFENDANT'S EXHIBIT

7/11/8/00

NAME OF VICTIM (IF CORPORATION, EXACT LEGAL NAME AND STATE OF INCORP.)		ADDRESS		PHONE #	
STATE OF FLORIDA					
COUNT NO.	OFFENSES CHARGED	CITATION #, IF APPLICABLE	F.S. # OR CAPIAS/WARRANT #		
006	POSS. OF COCAINE		893.13		

PROBABLE CAUSE AFFIDAVIT

Before me this date personally appeared MICHAEL J. MORRIS who being first duly sworn deposes and says that on 14 day of JUNE, 19 95, at 1500 E. SUNRISE BLVD (crime location) the above named defendant committed the above offenses charged and the facts showing probable cause to believe same are as follows: 17. 8/00.

THE DEF. WAS A PASSENGER, IN HER VEH. (THE CAR), WHICH WAS BEING OPERATED BY HER LIAISON BOYFRIEND DAVID SEARS. THE VEH WAS STOPPED AND THE DRIVER DAVID SEARS WAS ADVISED PER THE ARREST THE VEH WAS STOPPED AND 14 GRAMS OF CRACK COCAINE WAS LOCATED BY A NARCOTICS DOG, IN THE FRONT PASSENGER

I swear the above statement is correct and true to the best of my knowledge and belief.

OFFICER/AFFIDANT'S SIGNATURE MICHAEL J. MORRIS OFFICER'S NAME/CCN 810

OFFICER'S DIVISION PATROL

STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this 14th day of JUNE, 19 95, who is personally known to me or who has produced (10 Type) FLPD as identification and who (did or did not) take an oath

(SEAL OR STAMP)

DEPUTY CLERK OF THE COURT, NOTARY PUBLIC OR ASSISTANT STATE ATTORNEY Taylor

TITLE OR RANK/CCN 6145

0150

SEVENTEENTH JUDICIAL CIRCUIT  
BROWARD COUNTY  
STATE OF FLORIDA  
B5008 v2 (Rev. 9/11)

FIRST APPEARANCE / ARREST FORM  
SHOULD ADDITIONAL SPACE BE NEEDED, USE PROBABLE CAUSE AFFIDAVIT CONTINUATION

COURT COPY

Orig Court  
2nd State Atty  
3rd Filing Agency  
4th Arresting Agency

DEFENDANT'S LAST NAME	FIRST	MIDDLE	SUF.	HT.	WTS.	AGE	SEX	D.O.B.	OFFENSE REPORT #	ARRESTING OFFICER'S ID #
HALL	CHORL	DEWIS		5'3"	130	B	F	06/23/66	95-9534	M. J. MONIZ 810
NAME OF VICTIM (IF CORPORATION, EXACT LEGAL NAME AND STATE OF INCORP.)								ADDRESS		PHONE #
STATE OF FLORIDA										
COUNT NO.	OFFENSES CHARGED						CITATION #, IF APPLICABLE		F.S. # OR CAPIAS/WARRANT #	
ONE	POSS. OF COCAINE								893.13	

Before me this date personally appeared MICHAEL J. MONIZ who being first duly sworn deposes and says that on 14 day of JUNE, 19 25 at 1500 BUK B. SUNRISE BL (crime location) the above named defendant committed the above offenses charged and the facts showing probable cause to believe same are as follows:

COMPARTMENT BETWEEN THE DRIVER AND THE DEF. THE  
NARCOTIC DOG ALSO ALERTED ON \$53.00 (\$50.00 = 1 BUNDLE  
OF 50 \$1.00 BILLS) IN THE DEF. PURSE.  
(REF CASE # 95-95287)

I swear the above statement is correct and true to the best of my knowledge and belief

Michael J. Moniz  
 OFFICER/AFFIANT'S SIGNATURE

MICHAEL J. MONIZ 810  
 OFFICER'S NAME/CCN

PATROL  
 OFFICER'S DIVISION

DATE OF COUNTY OF

I, foregoing instrument was acknowledged before me this 14th day of JUNE, 19 25, who is personally known to me, or who has produced (ID Type) FLCP as identification and who (DO OR DID NOT) take an oath

Notary Public  
 CLERK OF THE COURT, NOTARY PUBLIC OR ASSISTANT STATE ATTORNEY TITLE OR NAME/CCN

FIRST APPEARANCE/ARREST FORM

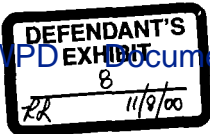
SEVENTEENTH JUDICIAL CIRCUIT  
 BROWARD COUNTY  
 STATE OF FLORIDA  
 1-24 REV. 04/11

COURT COPY

0151

(SEAL OR STAMP)

Orig Court  
 2nd State Atty  
 3rd Filing Agency  
 4th Arresting Ag

**FLORIDA DEPARTMENT OF EDUCATION****FRANK T. BROGAN**

Commissioner of Education

TO: CHERL D SEARS  
4730 NW 11 ST  
LAUDER HILL, FL 33313

FEBRUARY 24, 1998

IN REPLY PLEASE REFER TO:  
SSAN# 267-63-6148

FROM: BUREAU OF TEACHER CERTIFICATION

SUBJECT: STATEMENT OF ELIGIBILITY

**THIS IS YOUR STATEMENT OF ACADEMIC ELIGIBILITY FOR MIDDLE GRADES SOCIAL SCIENCE (5-9) VALID UNTIL FEBRUARY 24, 2000.**

The State of Florida issues two types of certificates for full-time teaching: a nonrenewable Temporary Certificate valid for two years and a Professional Certificate valid for five years. The attached Form CF-106a, FLORIDA TEACHER CERTIFICATION REQUIREMENTS, outlines the criteria for the issuance of these certificates. The Temporary Certificate is issued to allow time to complete requirements for the Professional Certificate.

Your application for teacher certification has been received and evaluated. Based upon current requirements, you will be eligible for a two-year nonrenewable Temporary Certificate valid for two consecutive school fiscal years covering MIDDLE GRADES SOCIAL SCIENCE (5-9) when:

You complete the following subject area specialization (subject content) requirements:

Three (3) semester hours in western civilization; or, European, Asian, African, Latin American, or Middle Eastern history

Three (3) semester hours in geography

You must complete the requirements specified above and maintain a 2.5 GPA in the subject area. Courses utilized in this evaluation reflect an acceptable GPA.

Note: The specialization requirements listed above must be completed prior to the issuance of the Temporary Certificate and no later than June 30th of the first year of the two-year validity period of the certificate.

You obtain employment with a Florida public, state supported, or nonpublic school which has an approved system for documenting the demonstration of required professional education competence. Your employer must



**FLORIDA DEPARTMENT OF EDUCATION****FRANK T. BROGAN**

Commissioner of Education

267-63-6148

FEBRUARY 24, 1998

PAGE 2

request issuance of your certificate.

Your employer submits a fingerprint card which has been processed by the Florida Department of Law Enforcement and the Federal Bureau of Investigation. If your fingerprint report reflects an arrest record, your file will be referred to Professional Practices Services for further review. Issuance of your certificate will be contingent upon the results of this review.

Please note that if you do not complete specialization requirements, obtain employment, and issuance of your certificate is not requested by FEBRUARY 24, 2000, your Statement of Eligibility will expire. Another application and fee may be submitted within one year from the expiration date of this Statement of Eligibility to re-establish your eligibility based on these same requirements. However, if this Statement of Eligibility has expired for more than one year when you submit another application, your eligibility for certification will be based on requirements which are in effect at the time the next application is received.

To qualify for a five-year Professional Certificate, requirements must be completed in the following three categories: General Requirements, Professional Education Requirements, and Specific Subject Requirements.

**YOU MUST COMPLETE THE FOLLOWING REQUIREMENTS FOR THE  
ISSUANCE OF YOUR PROFESSIONAL CERTIFICATE:****GENERAL REQUIREMENTS -**

Submit official documentation of a passing score on the Professional Education Subtest of the Florida Teacher Certification Examination.

Submit official documentation of a passing score on the College Level Academic Skills Test (CLAST).

Submit from a Florida district superintendent or the chief administrative officer of a Florida state supported or nonpublic school, official verification of demonstration of required professional education competence.

**FLORIDA DEPARTMENT OF EDUCATION****FRANK T. BROGAN**

Commissioner of Education

267-63-6148

FEBRUARY 24, 1998

PAGE 3

Complete the recency-of-credit requirement either by earning six (6) semester hours of college credit from an accredited institution in an area in which you are seeking certification, or by earning 120 inservice points which are part of an approved Florida district Master Inservice Plan or a combination of college credit and inservice points. Sixty inservice points equate to three (3) semester hours.

Submit Application Form CG-10 and the appropriate fee as indicated on the application form.

**PROFESSIONAL EDUCATION REQUIREMENTS -**

20 semester hours in education courses which must include:

6 semester hours covering the sociological and psychological foundations of education

6 semester hours in general methods, curriculum, school administration, or school supervision

a course in special methods of teaching the subject in which you are seeking certification as indicated in the SPECIFIC SUBJECT REQUIREMENTS outlined below.

The practical teaching experience requirement as explained in the enclosed attachment.

**SPECIFIC SUBJECT REQUIREMENTS FOR MIDDLE GRADES SOCIAL SCIENCE (5-9)**

Complete the subject area specialization (content courses) specified for issuance of the two-year nonrenewable Temporary Certificate.

Submit official documentation of a passing score on the MIDDLE GRADES SOCIAL SCIENCE (5-9) subject area test

Complete the special methods requirement as follows:

2 semester hours in special methods of teaching social science in the middle grades

**FLORIDA DEPARTMENT OF EDUCATION****FRANK T. BROGAN**

Commissioner of Education

267-63-6148

FEBRUARY 24, 1998

PAGE 4

NOTE: The college credit earned to complete the special methods requirement will also be applicable toward the total hours specified in PROFESSIONAL EDUCATION REQUIREMENTS listed above.

PLEASE NOTE: BASED ON CURRENT STATUTES, YOU MAY RECEIVE ONLY ONE TEMPORARY CERTIFICATE, VALID FOR TWO YEARS, PRIOR TO ISSUANCE OF THE PROFESSIONAL CERTIFICATE. IF YOU HAVE REQUESTED CERTIFICATION IN MORE THAN ONE SUBJECT, IT IS NOT NECESSARY FOR YOU TO COMPLETE REQUIREMENTS SPECIFIED FOR ALL SUBJECTS PRIOR TO ISSUANCE OF YOUR PROFESSIONAL CERTIFICATE. HOWEVER, IT IS ESSENTIAL THAT YOU COMPLETE REQUIREMENTS SPECIFIED IN YOUR STATEMENT OF ELIGIBILITY FOR GENERAL REQUIREMENTS, PROFESSIONAL EDUCATION REQUIREMENTS, AND SPECIFIC SUBJECT REQUIREMENTS FOR THE PROFESSIONAL CERTIFICATE IN AT LEAST ONE SUBJECT TO INSURE YOUR ELIGIBILITY FOR ANOTHER CERTIFICATE FOR THE SCHOOL YEAR IMMEDIATELY FOLLOWING THE EXPIRATION OF YOUR TEMPORARY CERTIFICATE.

The Bureau of Teacher Certification will be pleased to answer any questions that you may have after you have carefully reviewed your Statement of Eligibility. You may direct written correspondence to: The Bureau of Teacher Certification, Florida Department of Education, 325 West Gaines Street, Tallahassee, FL, 32399-0400. If you live in Florida, you may call the Bureau of Teacher Certification at 1-800-445-6739. (You CANNOT reach the Bureau by substituting the area code "850" for the "800" toll-free extension). If you live outside the State, you may reach the Bureau at 850-488-2317.

ENCLOSURE(S)  
PTER

STAFF: JCT

UPDATE

OCT 07 1998



SRP

The School Board of Broward County, Florida  
Department of Instructional Staffing  
600 SE 3rd Avenue, Fort Lauderdale, FL 33301

FOR OFFICE USE ONLY

Form with fields: Cert Fields, Name, Position, Yr, Comments. Handwritten: 317, R. Dahl, LP-SU 9738, High Buchanan SU-OT 939.

PLEASE ALLOW FOUR TO SIX WEEKS FOR YOUR UPDATE TO BE PROCESSED

# APPLICATION FOR INSTRUCTIONAL POSITION

The School Board of Broward County, Florida prohibits any policy or procedure which results in discrimination on the basis of age, color, disability, gender, national origin, marital status, race, religion or sexual orientation.

## INDIVIDUAL DATA:

NAME: Sears Cherl Denise Hutchins.  
Last First Middle Maiden  
Social Security Number 9/16/98 Today's Date  
☒ I am immediately available.  
☐ I will be available on \_\_\_\_\_

## ADDRESS: (IF YOUR ADDRESS CHANGES PLEASE CONTACT THE INSTRUCTIONAL STAFFING DEPARTMENT)

4730 N.W. 11th Lauderhill Fla 33313  
No. & Street City State Zip

TELEPHONE: 954 797 7968 ALTERNATE TELEPHONE: 497-3960 \*

Sex: Male ☒ Female Date of Birth: 6/23/46

Race/Ethnic Category: White-Non-Hispanic ☒ Black, Non-Hispanic Hispanic  
Asian, Pacific American Indian, Alaska Native Other

Are you currently employed or have you ever been employed by Broward County Public Schools? ☒ Yes ☐ No  
If yes, list your name and current position or position at the time of last employment: Cherl Hutchins  
Year you left employment with Broward County Public Schools: Still Employed

POSITION DESIRED: ☒ Full Time ☐ Substitute ☐ Part Time ☐ Other \_\_\_\_\_

GRADE LEVEL (S): ☐ Pre-school ☐ Kindergarten ☒ Elementary (1-5) ☒ Middle (6-8)  
☒ High (9-12) ☐ Adult/Vocational

SUBJECT PREFERENCE: ESE DOE Social Science

## COACHING/EXTRACURRICULAR ACTIVITIES: (List Activity)

Basketball Volley ball Track

## CERTIFICATION

Describe any Florida Educator's Certificate(s) you have been issued? Enclose a copy of the certificate. 2 year  
Temp

If you have applied for a Florida Educator's Certificate, provide the following:  
Date applied 9/24/98 Subject's requested Social Science 5-9

Include a copy of your Statement of Eligibility from the Florida Department of Education. (If you have a copy to Instructional Staffing when you receive it.)

Have you participated in a Florida Professional Orientation Program? NO If Yes, which District \_\_\_\_\_

RECEIVED  
INSTRUCTIONAL AFFAIRS  
SEP 8 PM 4:06  
DEFENDANT  
EXHIBIT  
9  
11/8/00

# EDUCATION (Provide official transcripts)

COLLEGE/UNIVERSITY	CITY/STATE	YEARS		DATE OF GRAD	DEGREE	MAJOR	GPA *	GPA **
		From	To					
Fla Memorial	Miami, Fla	1985	1989	Jun 1989	B.S.	Criminal Justice	2.8	
Bethune Cookman	Daytona Beach Fla	1984	1985		N/A			

\* Grade Point Average (Major)

\*\* Grade Point Average (Overall)

## INTERNSHIP (STUDENT TEACHING/CLINICAL PLACEMENT/GUIDANCE OR SOCIAL WORK):

Your internship references are **YOUR RESPONSIBILITY** to provide. You may use the reference forms provided, but college placement records and/or references on letterhead stationery are also acceptable.

DATE	SCHOOL NAME/LOCATION STREET, CITY, STATE, ZIP	AREA CODE & PHONE NO.	COOPERATING TEACHER FIELD PLACEMENT SUPT.	NAME OF COLLEGE SUPERVISOR	GRADE/SUBJECT TAUGHT

## TEACHING EXPERIENCE

- I. **TEACHING EXPERIENCE (UNDER CONTRACT):** Begin with the most recent and list ALL experiences in chronological order since your initial application. THIS OFFICE will mail a reference to ALL of your principals for the past FIVE years. Dates, addresses, phone numbers and names must be completed. Failure to do so will result in your update being returned. If more space is needed, attach additional sheet. Resumes may not be substituted.

YEARS From - To	NAME OF SCHOOL	ADDRESS Street/City/State/Zip	AREA CODE & PHONE NO.	NAME OF PRINCIPAL	GRADE/SUBJECT TAUGHT	REASON FOR LEAVING

\_\_\_\_\_ Total Years of Contractual Teaching Experience (Full Time under Contract)

- II. **OTHER EXPERIENCE:** Complete the sections below with any update information since your last application. You are responsible for obtaining references for the two sections below. You must provide a reference(s) from your current and previous supervisors from the last FIVE years. Gaps in employment may require additional information. Resumes may not be substituted. If more space is needed, attach additional sheet.

### A. PART-TIME AND/OR SUBSTITUTE TEACHING

YEARS FROM TO	NAME OF SCHOOL	ADDRESS Street/City/State/Zip	AREA CODE & PHONE NO.	NAME OF PRINCIPAL	GRADE/SUBJECT TAUGHT	REASON FOR LEAVING
97/98	Land Hill Middle	1401 N.W. 44 Ave Land Hill, FL	954 4983950	Mrs. Dahl	ESE Reading/L. Arts	Still Employed
96/97	Landmanors	14000 N.W. 14 St Landmanors, FL	7606862	Ms. Bennett	All Subjects	Went to another school

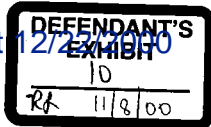
### B. NON-TEACHING EXPERIENCE

YEARS FROM TO	NAME OF FIRM OR BUSINESS	ADDRESS Street/City/State/Zip	AREA CODE & PHONE NO.	NAME OF SUPERVISOR	YOUR POSITION	REASON FOR LEAVING
93/97	Broward Employment Training	380 N. Andrews Ave Fort Lauderdale, FL	765 4505	Hugh Buchanan	YWA-IL	Summertime

I certify the above entries are true, complete, and correct to the best of my knowledge and belief and are made in good faith. I understand that a knowing and willful false statement on this form may result in immediate dismissal.

Signature C. Earl, Sr.

Date 9/16/98



The School Board of Broward County, Florida

## Security Background Check

**THIS FORM MUST BE TURNED IN WITH YOUR APPLICATION FOR EMPLOYMENT.**Name: Sears, Cheryl D, Hutchins SS#: \_\_\_\_\_

Date of

Birth: 06/23/61Address 4730 N.W. 11th St. Lauderdale Hill Fl 33313Phone #: 7977968

At the time of employment your fingerprints will be researched by local, state and federal law enforcement agencies. Sealed or expunged records must be revealed to the School Board of Broward County pursuant to F.S. 943.058. Your employment with the Broward County School District is temporary and probationary pending successful processing of your fingerprints. The following questions must be answered truthfully. A "Yes" answer to any of the following questions, does not automatically keep you from being hired. Your omission or falsification of any criminal history, including juvenile incidents, (misdemeanor or felony, see reverse for examples of criminal offenses) information will result in your immediate termination.

- Yes ☐ No ☒ 1. Have you ever been convicted of an offense (misdemeanor or felony) other than a minor traffic violation? (Driving under the Influence [DUI] and Driving while Intoxicated [DWI] convictions are not minor and must be reported.)
- Yes ☐ No ☒ 2. Have you ever been found guilty of a criminal offense?
- Yes ☒ No ☐ 3. Have you ever entered a nolo contendere or no contest plea in a criminal proceeding?
- Yes ☐ No ☒ 4. Have you ever had a criminal record sealed?
- Yes ☐ No ☒ 5. Have you ever had a criminal record expunged?
- Yes ☒ No ☐ 6. Have you ever participated in any type of pre-trial intervention/diversion program or had adjudication withheld in a criminal offense?
- Yes ☐ No ☒ 7. Are there criminal charges currently pending against you?
- Yes ☐ No ☒ 8. Have you ever been imprisoned or jailed in a criminal proceeding?
- Yes ☐ No ☒ 9. Have you ever been placed on probation in a criminal proceeding?
- Yes ☐ No ☒ 10. Have you ever paid a fine in a criminal proceeding?
- Yes ☐ No ☒ 11. Have you ever failed to appear in court or forfeited bond in a criminal proceeding?
- Yes ☐ No ☒ 12. Have you ever had a teaching certificate revoked or suspended? If yes, in what state and when? \_\_\_\_\_
- Yes ☐ No ☒ 13. Have you ever had sanctions placed on your teaching certificate for any reason?
- Yes ☐ No ☒ 14. Have you ever been denied a teaching certificate anywhere?
- Yes ☐ No ☒ 15. Is disciplinary action currently pending anywhere against your teaching certificate?

If you answered "Yes" to any question above, you must explain fully on the reverse side of the form. If you answered "Yes" to question(s) 12, 13, 14, or 15, you must give the name of the State where your teaching certificate was revoked, suspended, sanctioned, denied or where action is currently pending against you.

**NOTE:** Pursuant to Florida Statute 943.058 Criminal History Record Expunction or Sealing, persons to be employed in a position having direct contact with children must answer questions 4, 5 and 6. The School Board of Broward County will receive information on all records, including juvenile, that have been sealed, expunged, or where adjudication was withheld. To omit a response or to be untruthful in your response, regardless of any previous information received from your attorney or the Court will be considered falsification of your application and will result in your being terminated. If you wish to seek counsel prior to completing this section, you may take this application with you.

(over)

INCIDENCE #1 (Request 2nd sheet if more than one incidence)

If Arrested, Where?: Broward CNTY. Date of Arrest: 6/95

Arresting Agency: City of Ft Lauderdale

Offense: Poss of Cocain

Please provide detailed explanation: I let a male friend of mine borrow my car for the day. And when my friend returned to pick me up I got into the vehicle on the passenger side. At that time proceeded to the mall while on our way to the mall we were stopped by several police officers at that time I offiice asked for some identification and then decided to search the ~~same~~ car for some unknown reason. After searching the car cocaine was found inside the car which I had no knowled of. At that time both of use were arrested. And After further investigating the incident. I was ordered to attend a Pre-Trial

Final Disposition: Intervention Program a the case was Dismissed.

— Case was Dismissed.

**EXAMPLES OF CRIMINAL OFFENSES:** Assault/battery, auto theft, disorderly conduct, domestic violence, DUU/DWI, fraud (welfare/food stamps) loitering, prostitution/solicitation, robbery, shoplifting, theft (grand/petty), trespassing, worthless checks. **NOTE:** This is not a complete list and is intended to provide examples only. You must list all convictions including juvenile incidents and those in which adjudication was withheld and/or records were sealed/expunged.

By signing this document I certify that I have carefully read and fully understand each question and that all information contained herein is true and accurate. My signature further certifies that there is no falsification of any information, omission of any information requested or any misrepresentation of information requested. I also understand that my fingerprints will be submitted to the Federal Bureau of Investigation for a complete criminal history background check.

By my signature, I authorize the Broward County School Board to conduct any investigation necessary to verify all information identified on this form. My signature on this document provides for the release of any sealed or expunged records in my name by any court. Included in this grant of authority is my permission to contact any and all former employers and other persons acquainted with me or in possession of information concerning me to supply such information to the Security Clearance Office. All monies received as part of the fingerprinting process are non-refundable.

By my signature, I certify that I know, understand, and agree that any false statement or omission of information requested will result in my immediate termination.

Cheryl Sears  
 Signature of Applicant

9/16/98  
 Date

The Nation's Largest Fully



Accredited School System

DEFENDANT'S  
EXHIBIT11  
11/8/00**THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA**

Gracie M. Diaz  
Director  
Instructional Staffing Department

Chairperson Dr. Donald J. Samuels  
Vice Chairperson Dr. Robert D. Parks

Darla L. Carter  
Dr. Abraham S. Flechter  
Miriam M. Oliphant  
Diana Wasserman  
Lois Wexler

Student Advisor Nicole Yanke

Dr. Frank R. Petruzzello  
Superintendent of Schools

October 7, 1998

Cheri Sears  
4730 NW 11 Street  
Lauderhill, FL 33313

**Certified**

Dear Ms. Sears:

The Security Clearance Committee met on Thursday, October 1, 1998.  
At this time, the decision is that you are not employable with the  
School Board of Broward County.

We regret that this action was necessary.

Sincerely,

Gracie M. Diaz, Director  
Instructional Staffing

GMD:deh

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0154

Broward County Public Schools is An Equal Opportunity Employer

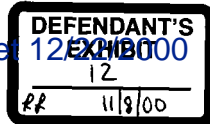
ADMINISTRATION OFFICES • 600 SOUTHEAST THIRD AVENUE • FORT LAUDERDALE, FLORIDA 33301 • 954-765-6000



Is your RETURN ADDRESS completed on the reverse side?

<b>SENDER:</b> • Complete items 1 and/or 2 for additional services. • Complete items 3, 4a, and 4b. • Print your name and address on the reverse of this form so that we can return the card to you. • Attach this form to the front of the multiple, or on the back if space does not permit. • Write "Return Receipt Requested" on the multiple below the article number. • The Return Receipt will show to whom the article was delivered and the date delivered.		I also wish to receive the following services (for an extra fee): 1. <input type="checkbox"/> Addressee's Address 2. <input type="checkbox"/> Restricted Delivery Consult postmaster for fee.
3. Article Addressed to: <i>Sears, Roebuck &amp; Co.</i>	4a. Article Number: <i>593425368</i>	4b. Service Type: <input type="checkbox"/> Registered <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise
5. Received By: (Print Name) <i>X Charles Sears</i>	6. Addressee's Address (Only if requested and fee is paid)	<input checked="" type="checkbox"/> Certified <input type="checkbox"/> Insured <input type="checkbox"/> COD
PS Form 3811, December 1994		102595-98-0-0229 Domestic Return Receipt

Thank you for using Return Receipt Service.



October 6, 1998

Mr. Hal Blitman  
Associate Superintendent of District Administration  
School Board of Broward County, Florida  
600 SE 3rd Avenue  
Ft. Lauderdale, Florida 33301

Reference: Additional Information, Appeal  
Cherl D. Sears,

Dear Mr. Blitman,

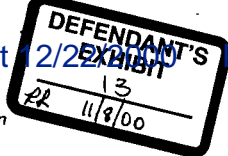
This letter is to inform you of key details that may better clarify the nature of the incident I was involved in and the reason behind my electing to attend the prevention program. I'd like to first thank you for your time in reviewing my motion for appeal. Prior to this incident I have never been involved in any criminal proceedings nor do I condone any criminal activity. After being arrested, I sought legal counsel to represent me. At that time, I was working hard to support both myself and my two children. I was also attending classes on the weekend to complete my education in order to bring me closer to becoming a full-time teacher. My attorney advised me that since I had no prior arrests that if I agreed to the court program, the case would be dismissed and it would spare me the cost of going to trial. He also advised that I not contest the charge because I was the owner of the car. Furthermore, he explained that this would be the best course of action and my record would remain clear. Again, I thank you for your time and patience, and I hope that this matter can be resolved so that I may return to back to work to continue touching the bright young minds of my students as a full-time teacher.

Sincerely,

*Cherl D. Sears*

Cherl D. Sears

RECEIVED  
ASSOC. SUPERINTENDENT'S  
OFFICE  
98 OCT -7 PM 5:07



The Nation's Largest Fully



Accredited School System

**THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA**

Gracie M. Diaz  
Director  
Instructional Staffing Department

Chairperson: Lois Wexler  
Vice Chairperson: Daris L. Carter  
Candice L. Andrews  
Jude S. Budnick  
Paul D. Eichner, Esq.  
Stephanie Anna Kreft, Esq.  
Miriam M. Oliphant  
Dr. Robert D. Parks  
Diana Wasserman

Dr. Frank R. Patruzzello  
Superintendent of Schools

December 10, 1998

Cheri Sears  
4730 NW 11 Street  
Lauderhill, FL 33313

**Certified**

Dear Ms. Sears:

The Security Clearance Committee, which met November 24, 1998, has denied your appeal for employment with the School Board of Broward County, FL.

We regret that this action was necessary.

Sincerely,

Gracie M. Diaz, Director  
Instructional Staffing

GMD:deh

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0156

Broward County Public Schools is An Equal Opportunity/Equal Access Employer

**THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA  
OFFICE OF THE SUPERINTENDENT**

July 16, 1998

**DEFENDANT'S  
EXHIBIT**

14  
RL 11/8/00

**TO:** Mr. Hal Blitman, Associate Superintendent, District Administration  
Ms. Sheila Dudley, Associate Superintendent & Board Liaison  
Ms. Gracie Diaz, Director, Instructional Staffing  
\*Dr. John Goonen, Director, Professional Standards  
Mr. Eddie Hardy, Chief, Special Investigative Unit  
Ms. Rebecca Jones, Director, Employee Relations  
Ms. Shirley Roberson, Director, Equal Educational Opportunities  
Mr. William Tegtmann, Director, Noninstructional Staffing/Wage & Salary  
Ms. Sharon Kelley, Employee Relations Specialist, Employee Relations

**FROM:** Frank R. Petruzielo  
Superintendent of Schools

**SUBJECT: SECURITY CLEARANCE COMMITTEE MEETING SCHEDULE  
FOR 1998-99**

I am appointing you to serve on the Security Clearance Committee for the 1998-99 school year. The Security Clearance Committee makes determinations of eligibility for employment in the district.

You are expected to attend all scheduled committee meetings. If you are unable to attend one of the meetings, you are to submit the name of your designee to Mr. Hal Blitman for approval before the day of the meeting.

Committee meetings for the 1998-99 school year, through the month of December, are scheduled on the dates identified below:

Wed., July 15, 1998	Wed., September 2, 1998	Wed., October 28, 1998
Wed., August 5, 1998	Wed., September 16, 1998	Tues., November 24, 1998
Wed., August 19, 1998	Wed., October 14, 1998	Wed., December 9, 1998

The Chairperson of the Committee will be Ms. Gracie Diaz, Director of Instructional Staffing. All meetings will be held at 3:00 p.m. on the 3rd floor of the Kathleen C. Wright Administration Center in Ms. Diaz's office.

 FRP

FRP/GMD:ms

cc: Superintendent's Cabinet

0053

\*Mr. Bruce Wagar has been the Director, Professional Standards since September 17, 1998

The Nation's Largest Fully



Accredited School System

## THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

Gracie M. Diaz  
Director  
Instructional Staffing Department

Chairperson Dr. Donald J. Samuels  
Vice Chairperson Dr. Robert D. Parks

Daria L. Carter  
Dr. Abraham S. Fischler  
Miriam M. Oliphant  
Diane Wasserman  
Lola Waxler  
Nicole Yonke

Student Advisor

Dr. Frank R. Patruzeio  
Superintendent of Schools

September 29, 1998

Ms. Cheryl Sears  
4730 NW 11 Street  
Lauderhill, Florida 33313

Dear Ms. Sears:

In review of your applicant file for full-time Instructional employment, our records indicate we have not received verification of Florida Certification and or a Florida Statement of Eligibility.

In order to be considered for the above subject areas, you must provide Instructional Staffing with credential evaluation from the Department of Education. Following your submission of the evaluation your file will be adjusted to reflect the approved areas of eligibility.

At this time you are eligible for substitute teaching only.

Sincerely,

*Mickey Dillard (B.H.)*

Mickey Dillard  
Personnel Administrator  
Instructional Staffing

Betty Glover  
Personnel Assistant  
Instruction Staffing

MAD/bg

**DEFENDANT'S  
EXHIBIT**

15  
PR 11/8/00

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0120

Broward County Public Schools is An Equal Opportunity Employer

The Nation's Largest Fully



Accredited School System

# THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

Roger J. Besumont, Ph.D.  
Director  
Instructional Staffing Department

Chairperson Dr. Don Samuels  
Vice Chairperson Dr. Robert D. Parks

Date: September 28, 1998

Doris L. Carter  
Dr. Abraham S. Flachler  
Mildred M. Oliphant  
Diana Wasserman  
Lola Wexler  
Student Advisor Joseph P. Chase

Dear: Ms. Sears,

Dr. Frank R. Petruzzello  
Superintendent of Schools

Your application for a teaching position has been received in our office. In order to complete the processing of your application, submit the items checked below. All documents should be forwarded to: Attn. Mr. Mickey Dillard, Department of Instructional Staffing, 600 S. E. 3rd Avenue, Ft. Lauderdale, Fl. 33301.

- ☒ Reference(s) (a minimum of 3 references are required)
- ☒ Present Supervisor Rebecca Clark, Lauderdale Middle
  - ☒ Past Supervisor Hugh Buchanan, Broward Employment & Training
  - ☐ Directing Teacher Cooperating Teacher
  - ☐ College Supervisor
  - ☐ Other
- ☐ Final Official Transcript(s) must show degree(s) and dates conferred  
bachelor's \_\_\_\_\_ master's degree \_\_\_\_\_ doctorate \_\_\_\_\_ other \_\_\_\_\_
- ☒ Please provide a copy of a Valid Florida Educators Certificate and or Florida Statement of Eligibility in: social science and or ESE
- ☐ \* Your application does not reflect your employment history for the following years \_\_\_\_\_ . Please provide employer(s) name, address, supervisor and phone number(s) for verification. (\* Please note you must account for the last 5 years of employment. Periods of unemployment should be listed separately).
- ☐ Other \_\_\_\_\_

To obtain information regarding the status of your employment application, call (954)765-6520 between the hours of 9:00 am - 10:00 am and 3:00 pm - 4:00 pm Tuesday through Thursday. Allow two (2) to three (3) weeks for receipt of required documents and evaluation of application. Upon final evaluation you will be notified in writing your file is complete, and made available to principals.

Thank you for choosing the School Board of Broward County.

Sincerely,

Mickey Dillard  
Mickey Dillard  
Personnel Administrator  
MD:b

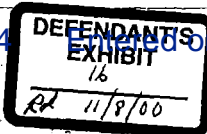
Betty Glover  
Personnel Assistant

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0121

Broward County Public Schools is An Equal Opportunity Employer

Phillips University, Inc.  
60 S. University Avenue  
id, OK 73701-6439  
(80) 237-4433



PAGE:

1

DATE: 07/17/98

Sears Cheryl D  
4730 NW 11th  
Lauderhill, FL 33313

267636148

06/23/66

COURSE				CREDIT			QUAL			
DEPT	ID	TITLE		GRD	R	HRS	ATTEMPT	EARNED	POINTS	GPA
CONTIN	TEACH	CERT PROG 1997-98								
EDU	EDU-491V	LANG DEVL & LRNG DIS		B		3.00	3.00	3.00	9.00	
EDU	EDU-491V	SURVEY EXCEPTNL CHIL		B		3.00	3.00	3.00	9.00	
TERM TOTALS:							6.00	6.00	18.00	3.000

MAJOR1: UND UNK COL: 1F CUMULATIVE: 6.00 6.00 18.00 3.000  
MAJOR2: COL:  
MINOR1:  
MINOR2:  
MINOR3:

### OFFICIAL TRANSCRIPT

This is a red ink stamp

Date: JUL 17 1998

Joseph H. Evans, Jr.

Registrar

This official Phillips University transcript is provided upon written authorization by the student and with the understanding that the recipient may not release same for any purpose without written authorization by the student.

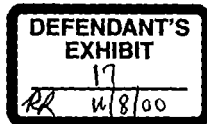
ISSUED TO STUDENT  
IN SEALED ENVELOPE

Year/Form corrected 1996 / W-2		Voc. No. 1545-0006		
b Employee's name, address, and ZIP code Cherl D. Sears 4730 N W 11 Street Lauderhill FL 33313		c Employee's name, address, and ZIP code School Board of Broward County 600 SE 3rd Avenue Ft. Lauderdale, FL 33301		
d Employee's correct SSN 267-63-6148	e Employee's SSA number 69-	f Employee's Federal EIN 59-6000530	g Employee's state I.D. number	
h Previously reported		i Corrected		
<input type="checkbox"/> Stat. emp. <input type="checkbox"/> Deceased <input type="checkbox"/> Pension plan <input type="checkbox"/> Legal rep. <input type="checkbox"/> De'd comp. <input type="checkbox"/> IRA/SEP		<input type="checkbox"/> Stat. emp. <input type="checkbox"/> Deceased <input type="checkbox"/> Pension plan <input type="checkbox"/> Legal rep. <input type="checkbox"/> De'd comp. <input type="checkbox"/> IRA/SEP		
Complete k and/or l only if incorrect on the last form you filed. Show incorrect item here		j Employee's incorrect SSN		
k Employee's name (as incorrectly shown on previous form)		l Employee's name (as incorrectly shown on previous form)		
CHANGES	Form W-2 box	(a) As previously reported	(b) Correct information	(c) Increase (decrease)
	1 Wages, tips, other comp.	8,326.16	8,628.88	302.72
	2 Federal income tax withheld	720.94	720.94	0.00
	3 Social security wages	0.00	4,036.21	4,036.21
	4 Social security tax withheld	0.00	250.25	250.25
	5 Medicare wages and tips	9,001.24	9,001.24	0.00
	6 Medicare tax withheld	130.52	130.52	0.00
	7 Social security tips			
	8 Allocated tips			
	403B	675.08	372.36	(302.72)
17 State wages, tips, etc.				
18 State income tax				
20 Local wages, tips, etc.				
21 Local income tax				

Form W-2c (Rev. 10-94) Statement of Corrected Income and Tax Amounts

Copy C For Employee's Records  
Department of the Treasury  
Internal Revenue Service

ISA





**Notice to Employee**

This is a corrected **Form W-2**, Wage and Tax Statement, for the tax year shown in box a. If you have filed an income tax return for the year shown, you may have to file an amended return. Compare amounts on this form with those reported on your income tax return. If the corrected amounts change your income tax liability, file **Form 1040X**, Amended U.S. Individual Income Tax Return, with copy B of this Form W-2c to amend the return you already filed.

If you have not filed your return for the year shown in box a, attach copy B of the original Form W-2 you received from

your employer and copy B of this Form W-2c to your return when you file it.

If boxes h or i have any checkboxes marked, box h will show the original information and box i will show the corrected information.

For more information, contact your nearest Internal Revenue Service office. Employees in American Samoa, Guam, Commonwealth of the Northern Mariana Islands, or the U.S. Virgin Islands should contact their local taxing authority for more information.

Form **1040X** Department of the Treasury—Internal Revenue Service  
**Amended U.S. Individual Income Tax Return** (Rev. October 1995) OMB No. 1545-0091  
 This return is for calendar year **1996**, OR fiscal year ended **1996**.  
 Please print or type  
 Your first name and initial **CHERL D.** Last name **SEARS** Your social security number **267-636148**  
 If a joint return, spouse's first name and initial \_\_\_\_\_ Last name \_\_\_\_\_ Spouse's social security number \_\_\_\_\_  
 Home address (number and street). If you have a P.O. box, see instructions. Apt. no. Telephone number (optional)  
**4730 N.W. 11TH Street** \_\_\_\_\_ **(954) 797-7946**  
 City, town or post office, state, and ZIP code. If you have a foreign address, see instructions.  
**Kaunderhill, FL 33313**

- A** If the name or address shown above is different from that shown on the original return, check here ☐  
**B** Has original return been changed or audited by the IRS or have you been notified that it will be? ☐ Yes ☒ No  
 If notified that it will be, identify the IRS office ☐  
**C** If you are amending your return to include any item (loss, credit, deduction, other tax benefit, or income) relating to a tax shelter required to be registered, attach Form 8271, Investor Reporting of Tax Shelter Registration Number, and check here ☒  
**D** Filing status claimed. Note: You cannot change from joint to separate returns after the due date has passed.  
 On original return ☐ Single ☐ Married filing joint return ☐ Married filing separate return ☒ Head of household ☐ Qualifying widow(er)  
 On this return ☐ Single ☐ Married filing joint return ☐ Married filing separate return ☒ Head of household ☐ Qualifying widow(er)

**Income and Deductions (see instructions)**  
**USE PART II ON PAGE 2 TO EXPLAIN ANY CHANGES**

	A. As originally reported or as previously adjusted (see instructions)	B. Net change—Increase or (Decrease)—explain on page 2	C. Correct amount
<b>1</b> Adjusted gross income (see instructions)	<b>1</b> 16,045	302.00	16,397
<b>2</b> Itemized deductions or standard deduction	<b>2</b> 5966		5966
<b>3</b> Subtract line 2 from line 1	<b>3</b> 10,145		10,447
<b>4</b> Exemptions. If changing, fill in Parts I and II on page 2	<b>4</b> 7,450		7,450
<b>5</b> Taxable income. Subtract line 4 from line 3	<b>5</b> 2,545		2,847
<b>6</b> Tax (see instructions). Method used in col. C	<b>6</b>		
<b>7</b> Credits (see instructions)	<b>7</b>		
<b>8</b> Subtract line 7 from line 6. Enter the result but not less than zero	<b>8</b>		
<b>9</b> Other taxes (see instructions)	<b>9</b>		
<b>10</b> Total tax. Add lines 8 and 9	<b>10</b>		
<b>11</b> Federal income tax withheld and excess social security, Medicare, and RRTA taxes withheld. If changing, see instructions	<b>11</b> 1,396		1,396
<b>12</b> Estimated tax payments	<b>12</b>		
<b>13</b> Earned income credit	<b>13</b> 2,468	103	2,405
<b>14</b> Credits for Federal tax paid on fuels, regulated investment company, etc.	<b>14</b>		
<b>15</b> Amount paid with Form 4868, Form 2688, or Form 2350 (applications for extension of time to file)	<b>15</b>		
<b>16</b> Amount of tax paid with original return plus additional tax paid after it was filed	<b>16</b>		
<b>17</b> Total payments. Add lines 11 through 16 in column C	<b>17</b>		3861
<b>Refund or Amount You Owe</b>			
<b>18</b> Overpayment, if any, as shown on original return or as previously adjusted by the IRS	<b>18</b>		3,864
<b>19</b> Subtract line 18 from line 17 (see instructions)	<b>19</b>		
<b>20</b> AMOUNT YOU OWE. If line 10, column C, is more than line 19, enter the difference and see instructions	<b>20</b>		6352
<b>21</b> If line 10, column C, is less than line 19, enter the difference	<b>21</b>		
<b>22</b> Amount of line 21 you want REFUNDED TO YOU	<b>22</b>		
<b>23</b> Amount of line 21 you want APPLIED TO YOUR 1996 ESTIMATED TAX	<b>23</b>		

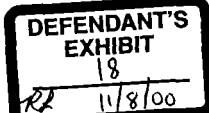
**Sign Here** Under penalties of perjury, I declare that I have filed an original return and that I have examined this amended return, including accompanying schedules and statements, and to the best of my knowledge and belief, this amended return is true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which the preparer has any knowledge.  
 Your signature **Cherl D. Sears** Date **4-14-97** Spouse's signature. If a joint return, BOTH must sign. \_\_\_\_\_ Date \_\_\_\_\_  
 Preparer's signature \_\_\_\_\_ Date \_\_\_\_\_ Preparer's social security no. \_\_\_\_\_  
**Prepared by Preparer's Use Only** Firm's name (or yours if self-employed) and address \_\_\_\_\_ EIN \_\_\_\_\_ ZIP code \_\_\_\_\_

<b>Form 1040</b>	<b>Department of the Treasury—Internal Revenue Service</b> <b>U.S. Individual Income Tax Return</b> <span style="font-size: 1.2em;">1998</span>	IRS Use Only—Do not write or staple in this space. For the year Jan. 1-Dec. 31, 1998, or other tax year beginning _____, 1998, ending _____, 19 <span style="border: 1px solid black; padding: 2px;">OMB No. 1545-0074</span>																																			
<b>Label</b> (See instructions on page 18.)  <b>Use the IRS label.</b> Otherwise, please print or type.  <b>Presidential Election Campaign</b> (See page 18.)	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%; vertical-align: top;"> <b>Label</b>                  Your first name and initial  <b>CHERL</b>                  If a joint return, spouse's first name and initial             </td> <td style="width:50%; vertical-align: top;">                 Last name  <b>SEARS</b>                  Last name             </td> </tr> <tr> <td colspan="2">                 Home address (number and street). If you have a P.O. box, see page 18.  <b>4730 N.W. 11th St</b>                  City, town or post office, state, and ZIP code. If you have a foreign address, see page 18.  <b>LAUDERHILL, FL 33313</b> </td> </tr> </table>	<b>Label</b> Your first name and initial <b>CHERL</b> If a joint return, spouse's first name and initial	Last name <b>SEARS</b> Last name	Home address (number and street). If you have a P.O. box, see page 18. <b>4730 N.W. 11th St</b> City, town or post office, state, and ZIP code. If you have a foreign address, see page 18. <b>LAUDERHILL, FL 33313</b>		Your social security number <b>267-636148</b> Spouse's social security number																															
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<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th colspan="2" style="text-align: center;">▲ IMPORTANT! ▲</th> </tr> <tr> <td style="width:50%; text-align: center;">                 You must enter your SSN(s) above.             </td> <td style="width:50%; text-align: center;"> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width:50%;">Yes</th> <th style="width:50%;">No</th> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table> </td> </tr> <tr> <td colspan="2" style="font-size: 0.8em;">                 Note: Checking "Yes" will not change your tax or reduce your refund.             </td> </tr> </table>			▲ IMPORTANT! ▲		You must enter your SSN(s) above.	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width:50%;">Yes</th> <th style="width:50%;">No</th> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	Yes	No	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Note: Checking "Yes" will not change your tax or reduce your refund.																										
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<b>Filing Status</b> 1 <input type="checkbox"/> Single 2 <input type="checkbox"/> Married filing joint return (even if only one had income) 3 <input type="checkbox"/> Married filing separate return. Enter spouse's social security no. above and full name here. ▶ 4 <input checked="" type="checkbox"/> Head of household (with qualifying person). (See page 18.) If the qualifying person is a child but not your dependent, enter this child's name here. ▶ 5 <input type="checkbox"/> Qualifying widow(er) with dependent child (year spouse died ▶ 19 ). (See page 18.)																																					
<b>Exemptions</b> 6a <input type="checkbox"/> Yourself. If your parent (or someone else) can claim you as a dependent on his or her tax return, do not check box 6a. b <input type="checkbox"/> Spouse c Dependents: <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:40%;">(1) First name</th> <th style="width:20%;">Last name</th> <th style="width:15%;">(2) Dependent's social security number</th> <th style="width:15%;">(3) Dependent's relationship to you</th> <th style="width:10%;">(4) If qualifying child for child tax credit (see page 15)</th> </tr> </thead> <tbody> <tr> <td>Chapman Hall</td> <td></td> <td>595-78-564</td> <td>son</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> <tr> <td>Regina Sears</td> <td></td> <td>990-41-8584</td> <td>Daughter</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> <tr><td> </td><td> </td><td> </td><td> </td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td style="text-align: center;"><input type="checkbox"/></td></tr> </tbody> </table> d Total number of exemptions claimed <span style="float: right;">1</span>			(1) First name	Last name	(2) Dependent's social security number	(3) Dependent's relationship to you	(4) If qualifying child for child tax credit (see page 15)	Chapman Hall		595-78-564	son	<input checked="" type="checkbox"/>	Regina Sears		990-41-8584	Daughter	<input checked="" type="checkbox"/>					<input type="checkbox"/>					<input type="checkbox"/>					<input type="checkbox"/>					<input type="checkbox"/>
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				<input type="checkbox"/>																																	
				<input type="checkbox"/>																																	
<b>Income</b> 7 Wages, salaries, tips, etc. Attach Form(s) W-2. 8a Taxable interest. Attach Schedule B if required. b Tax-exempt interest. DO NOT include on line 8a. <span style="float: right;">8b 0</span> 9 Ordinary dividends. Attach Schedule B if required. 10 Taxable refunds, credits, or offsets of state and local income taxes (see page 21). 11 Alimony received. 12 Business income or (loss). Attach Schedule C or C-EZ. 13 Capital gain or (loss). Attach Schedule D. 14 Other gains or (losses). Attach Form 4797. 15a Total IRA distributions. <span style="border: 1px solid black; padding: 2px;">15a 0</span> b Taxable amount (see page 22) 15b Total pensions and annuities. <span style="border: 1px solid black; padding: 2px;">15b 0</span> b Taxable amount (see page 22) 17 Rental real estate, royalties, partnerships, S corporations, trusts, etc. Attach Schedule E. 18 Farm income or (loss). Attach Schedule F. 19 Unemployment compensation. 20a Social security benefits. <span style="border: 1px solid black; padding: 2px;">20a 0</span> b Taxable amount (see page 24) 21 Other income. List type and amount—see page 24. 22 Add the amounts in the far right column for lines 7 through 21. This is your total income. <span style="float: right;">14,260.00</span>																																					
<b>Adjusted Gross Income</b> 23 IRA deduction (see page 25). <span style="border: 1px solid black; padding: 2px;">23 0</span> 24 Student loan interest deduction (see page 27). <span style="border: 1px solid black; padding: 2px;">24 0</span> 25 Medical savings account deduction. Attach Form 8853. <span style="border: 1px solid black; padding: 2px;">25 0</span> 26 Moving expenses. Attach Form 3903. <span style="border: 1px solid black; padding: 2px;">26 0</span> 27 One-half of self-employment tax. Attach Schedule SE. <span style="border: 1px solid black; padding: 2px;">27 0</span> 28 Self-employed health insurance deduction (see page 28). <span style="border: 1px solid black; padding: 2px;">28 0</span> 29 Keogh and self-employed SEP and SIMPLE plans. 30 Penalty on early withdrawal of savings. 31a Alimony paid b Recipient's SSN ▶ 32 Add lines 23 through 31a. <span style="border: 1px solid black; padding: 2px;">32 14,260.00</span> 33 Subtract line 32 from line 22. This is your adjusted gross income. <span style="border: 1px solid black; padding: 2px;">33 14,260.00</span>																																					

For Disclosure, Privacy Act, and Paperwork Reduction Act Notice, see page 51.

Cat. No. 11320B

Form 1040 (1998)



Form 1040 (1998)

Page 2

**Tax and Credits****Standard Deduction for Most People**

Single: \$4,250  
 Head of household: \$6,250  
 Married filing jointly or Qualifying widow(er): \$7,100  
 Married filing separately: \$3,550

34	Amount from line 33 (adjusted gross income)	34	18,231.00
35a	Check if: <input type="checkbox"/> You were 65 or older, <input type="checkbox"/> Blind; <input type="checkbox"/> Spouse was 65 or older, <input type="checkbox"/> Blind. Add the number of boxes checked above and enter the total here. <input type="checkbox"/> 35a		
b	If you are married filing separately and your spouse itemizes deductions or you were a dual-status alien, see page 29 and check here. <input type="checkbox"/> 35b		
36	Enter the larger of your itemized deductions from Schedule A, line 28, OR standard deduction shown on the left. But see page 30 to find your standard deduction if you checked any box on line 35a or 35b or if someone can claim you as a dependent	36	8,295.00
37	Subtract line 36 from line 34	37	9,936.00
38	If line 34 is \$93,400 or less, multiply \$2,700 by the total number of exemptions claimed on line 6d. If line 34 is over \$93,400, see the worksheet on page 30 for the amount to enter	38	8,100.00
39	<b>Taxable income.</b> Subtract line 38 from line 37. If line 38 is more than line 37, enter -0-	39	1,836.00
40	<b>Tax.</b> See page 30. Check if any tax from a <input type="checkbox"/> Form(s) 8814 b <input type="checkbox"/> Form 4972 <input type="checkbox"/> 40	40	276.00
41	Credit for child and dependent care expenses. Attach Form 2441	41	0
42	Credit for the elderly or the disabled. Attach Schedule R	42	0
43	Child tax credit (see page 31)	43	276.00
44	Education credits. Attach Form 8863	44	0
45	Adoption credit. Attach Form 8839	45	0
46	Foreign tax credit. Attach Form 1116 if required	46	0
47	Other. Check if from a <input type="checkbox"/> Form 3800 b <input type="checkbox"/> Form 8396 c <input type="checkbox"/> Form 8801 d <input type="checkbox"/> Form (specify) _____	47	0
48	Add lines 41 through 47. These are your total credits	48	276.00
49	Subtract line 48 from line 40. If line 48 is more than line 40, enter -0-	49	0

**Other Taxes**

50	Self-employment tax. Attach Schedule SE	50	0
51	Alternative minimum tax. Attach Form 6251	51	0
52	Social security and Medicare tax on tip income not reported to employer. Attach Form 4137	52	0
53	Tax on IRAs, other retirement plans, and MSAs. Attach Form 5329 if required	53	0
54	Advance earned income credit payments from Form(s) W-2	54	0
55	Household employment taxes. Attach Schedule H	55	0
56	Add lines 49 through 55. This is your total tax	56	0

**Payments**

Attach Forms W-2 and W-3 on the front. Also attach Form 1099-R if tax was withheld.

57	Federal income tax withheld from Forms W-2 and 1089	57	2,169.00
58	1998 estimated tax payments and amount applied from 1997 return	58	0
59a	Earned income credit. Attach Schedule EIC if you have a qualifying child b Nontaxable earned income: amount <input type="checkbox"/> 154.00 and type <input type="checkbox"/>	59a	2,879.00
60	Additional child tax credit. Attach Form 8812	60	0
61	Amount paid with Form 4868 (request for extension)	61	0
62	Excess social security and RRTA tax withheld (see page 43)	62	0
63	Other payments. Check if from a <input type="checkbox"/> Form 2439 b <input type="checkbox"/> Form 4138	63	0
64	Add lines 57, 58, 59a, and 60 through 63. These are your total payments	64	5,048.00

**Refund**

Have it directly deposited: ☐ See page 44 and fill in 66b, 66c, and 66d.

65	If line 64 is more than line 56, subtract line 56 from line 64. This is the amount you OVERPAID	65	5,048.00
66a	Amount of line 65 you want REFUNDED to YOU	66a	5,048.00
b	Routing number <input type="text"/>	b	Type: <input type="checkbox"/> Checking <input type="checkbox"/> Savings
c	Account number <input type="text"/>	c	
67	Amount of line 65 you want APPLIED TO YOUR 1998 ESTIMATED TAX	67	

**Amount You Owe**

68	If line 56 is more than line 64, subtract line 64 from line 56. This is the AMOUNT YOU OWE. For details on how to pay, see page 44	68	
69	Estimated tax penalty. Also include on line 68	69	

**Sign Here**

Joint return? See page 18. Keep a copy for your records.

Preparer's signature	Date	Your occupation	Daytime telephone number (optional)
Spouse's signature. If a joint return, BOTH must sign.	Date	Spouse's occupation	

**Paid Preparer's Use Only**

Preparer's signature	Date	Check if self-employed <input type="checkbox"/>	Preparer's social security no.
Firm's name (or yours if self-employed) and address	EIN	ZIP code	

Printed on recycled paper

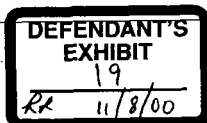
# SCHOOL BOARD OF BROWARD COUNTY

600 SE 3rd Avenue, Ft. Lauderdale, FL 33301

## REQUIREMENTS FOR SUBSTITUTE TEACHERS

*These requirements are subject to change without notice.*

- ☐ A completed application for an instructional position, application for a substitute teaching certificate, and security check.
- ☐ **Official** transcripts from an accredited college in the United States showing at least 60 semester hours of college credit. You must provide an evaluation or validation for degrees earned outside of the United States.
- ☐ References according to one of the following categories:
  - **RECENT EDUCATION GRADUATE WITH STUDENT TEACHING & NO TEACHING EXPERIENCE**  
Minimum of three references. References may be from your college placement file or on our educational reference forms. References must include the following:
    - Cooperating/Directing Teacher/s
    - College Supervisor/s
    - If not currently employed, references from professional educators who can assess your ability as a teacher.
    - If graduated over a year ago, you must have a reference from your employer for any full-time or part-time work.
  - **EXPERIENCED TEACHER**  
References may be on our educational reference forms or the locations letterhead. Minimum of three references to include
    - You must bring a reference from your last principal. If you are not presently employed as a teacher, you must also include a reference from your current supervisor.  
NOTE: Clearance is probationary, until your last principal reference has been verified by the Instructional Staffing Department.
    - Additional references may be from current and previous administrators, assistant principals, county level supervisors, department heads, community/school volunteer workers, college professors.
  - **PROFESSIONAL EMPLOYMENT WITH NO TEACHING EXPERIENCE**  
Must provide a minimum of three references on company letterhead or on our professional reference forms.
    - Must include a reference from your most recent employer.
    - Self employment, experience in a family owned business, or experience at a firm no longer in business requires
      - 1) A letter from you explaining type of business and
      - 2) Must be verified by an individual knowledgeable of your employment and the trade itself.
      - 3) Include any applicable licenses.
    - Additional references may be from current and previous supervisors, college professors, volunteer/community organizations.
- ☐ \$50 money order or cashier's check made payable to School Board of Broward County for fingerprinting.
- ☐ A copy of your valid State of Florida or Broward County Certificate. (A Statement of Eligibility is not acceptable.) If you do not have a valid certificate, you will need to complete a *Request for a Substitute Teaching Certificate* and bring a separate \$54 money order or cashier's check made payable to the School Board of Broward County.  
*If you need to pay both fees, the money orders can not be combined.*



- ☐ A picture ID (i.e., driver's license, state ID, passport, etc.) and your social security card with current name:

## PROCEDURES FOR CLEARANCE AS A SUBSTITUTE TEACHER

Bring all requirements listed in person to the K.C. Wright Administration Center (School Board Building) to be processed. If you do not bring all the requirements you will not be processed. Substitute teachers are processed Monday through Friday 9:00 a.m. - 12:30 and 1:30 p.m. - 3:00 p.m.

You must attend one of the Substitute Clearance Workshops. You will be given a workshop schedule when you come to the Employment Center for processing. At the conclusion of the workshop, you will be cleared to substitute teach. (Workshops are available every other week.)

Failure to attend one of the clearance workshops, will result in your application and fingerprints becoming inactive. If your application is inactive for a school year, you will have to reapply and again submit the appropriate fees for substitute teaching.

*When you apply* to substitute teach, be sure you are available during this school year to work; if you do not substitute teach this school year, your application will be destroyed and you will have to reapply and again submit the appropriate fees.

**You cannot substitute teach if you currently hold a full-time position with the School Board of Broward County.**

\* You may apply for a Continuing Broward Substitute Teacher Certificate:

- if you hold an expiring Broward or State certificate AND
- currently on the substitute teacher list or have been inactive for less than one year

The renewal fee is \$10 dollars. Please submit a money order or cashier's check made payable to the School Board of Broward County.

## DIRECTIONS TO THE K.C. WRIGHT ADMINISTRATION CENTER

The Employment Center is located on the first floor of the K.C. Wright Administration Building, (School Board Building) 600 SE 3rd Avenue, Ft. Lauderdale.

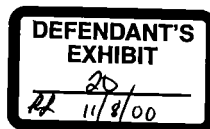
Directions from I-95:

Exit Broward Blvd. and go East

Go to SE 3rd Avenue, and go South.

The building is on the east side. It is a 14-story, all glass building diagonally across from the Broward County Courthouse. Parking is available for a fee south of the building and meter parking is available in the county public garage north of the building.

4/16/98b.



IN THE CIRCUIT COURT OF THE 17<sup>th</sup>  
JUDICIAL CIRCUIT, IN AND FOR  
BROWARD COUNTY, FLORIDA

CASE NO. 99-3785-CACE-07

GENERAL JURISDICTION DIVISION

CHERL SEARS,  
Plaintiff,

vs.

THE SCHOOL BOARD OF  
BROWARD COUNTY,  
Defendant.

SECOND AMENDED COMPLAINT

Plaintiff, Cherl Sears, by her undersigned counsel, hereby files this Second Amended Complaint, against the Defendant, the School Board of Broward County, and she alleges as follows:

1. This is an action for damages in excess of \$15,000, exclusive of interest and costs and therefore, this action is within the jurisdiction of this Court.
2. This Court has jurisdiction to resolve constitutional questions, relating to due process claims, pursuant to Article I, Section 9 of the Florida Constitution and the Due Process Clause under the Fourteenth Amendment of the United States Constitution, and in addition, this Court has jurisdiction to resolve equal protection claims, pursuant to the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

3. The Plaintiff, Cheryl Sears (hereinafter, referred to as, "Sears"), at all material times herein, was an employee of the Defendant, the School Board of Broward County, at schools administered by the Defendant, located in Broward County, Florida.
4. The Defendant, the School Board of Broward County (hereinafter, referred to as, the "School Board," or as, the "Employer"), operates and is in existence, pursuant to Chapter 230 of the Florida Statutes, and it is responsible for the administration of the public school system, in Broward County, Florida.
5. Sears had been employed as a substitute teacher, for the Defendant School Board, beginning in 1992, and her employment status remained unchanged with the Defendant, until October of 1996.
6. From October of 1996, through February of 1998, Sears had been employed as a "pool substitute" teacher for the Defendant School Board.
7. However, in March of 1998, and continuing until October 5, 1998, Sears was employed as an "interim substitute" teacher, in the exceptional student education program, by the Defendant School Board.
8. The Plaintiff currently possesses a proper teaching certification, in that she holds a two-year temporary permit, which enables her to teach social science subjects, in the public school systems, within the State of Florida.
9. During the beginning of the 1998-1999 school term, the Plaintiff was offered the opportunity, by the Defendant, to be hired as a permanent full-time teacher,



providing instruction in a social science curriculum, in public schools administered by the Defendant Employer, in Broward County, Florida.

10. However, the Plaintiff's application for a permanent position was rejected by the Defendant Employer; solely due to her arrest in 1995, and the arrest was based upon allegations of narcotics possession.
11. The arrest did not result in a conviction; and in fact, the charges against the Plaintiff were subsequently dismissed, due to her successful completion of a court administered pre-trial intervention program.
12. Not only was the Plaintiff's application for a permanent position rejected by the School Board, the Defendant also prohibited Sears from reassuming any substitute teacher assignments, based solely upon the 1995 arrest.
13. Immediately after the rejection of the Plaintiff's application for a full-time permanent position with the School Board, representatives and / or employees of the Defendant told Sears to reapply for a permanent full-time teacher position, for the following school year.

#### COUNT I

14. The Plaintiff restates and reavers the allegations contained in paragraphs 1 through 13 of the Second Amended Complaint, as if fully set forth herein.
15. Within the context of public employment, an employee may establish entitlement to procedural due process under the Florida and United States Constitutions, by ~~showing the existence of a property interest in his or her position.~~

16. The concept of a property interest in public employment has been defined as a legitimate interest in continued employment.
17. Legitimate interests or expectations of continued public employment establishing property interests, are created and defined by rules operating and found under applicable state law.
18. Fla. Stat. Section 231.1725 (e)(2), entitled, "Employment of Substitute Teachers, Teachers of Adult Education and Non-Degreed Teachers of Career Education; Students Performing Clinical Field Experience," states as follows:

Substitute, adult education, and non-degreed career education teachers who are employed pursuant to this section shall have the same rights and protections of laws as certified teachers.
19. Fla. Stat. Section 231.36 (f) contains numerous procedural protections, applicable to full-time instructional staff, and upon the authority of Fla. Stat. Section 231.1725 (e)(2), such procedural protections are also applicable to the Plaintiff, as a substitute teacher, and this is the independent source of her reasonable expectation of continued employment.
20. The Plaintiff has been denied the enjoyment of a property interest, her prior position with the School Board, because the Defendant has refused to reinstate her; and it has barred her from undertaking further employment within its organization, as an instructional staff member.
21. The School Board has failed and or refused to provide procedural due process for the Plaintiff, prior to implementing its termination decision.

16. The concept of a property interest in public employment has been defined as a legitimate interest in continued employment.
17. Legitimate interests or expectations of continued public employment establishing property interests, are created and defined by rules operating and found under applicable state law.
18. Fla. Stat. Section 231.1725 (e)(2), entitled, "Employment of Substitute Teachers, Teachers of Adult Education and Non-Degreed Teachers of Career Education; Students Performing Clinical Field Experience," states as follows:

Substitute, adult education, and non-degreed career education teachers who are employed pursuant to this section shall have the same rights and protections of laws as certified teachers.
19. Fla. Stat. Section 231.36 (f) contains numerous procedural protections, applicable to full-time instructional staff, and upon the authority of Fla. Stat. Section 231.1725 (e)(2), such procedural protections are also applicable to the Plaintiff, as a substitute teacher, and this is the independent source of her reasonable expectation of continued employment.
20. The Plaintiff has been denied the enjoyment of a property interest, her prior position with the School Board, because the Defendant has refused to reinstate her; and it has barred her from undertaking further employment within its organization, as an instructional staff member.
21. The School Board has failed and or refused to provide procedural due process for the Plaintiff, prior to implementing its termination decision.

22. The failure and or refusal of the School Board to provide the Plaintiff with any process or hearing prior to her termination, constituted a denial of due process under Article I, Section 9 of the Florida Constitution and under the Due Process Clause of the Fourteenth Amendment to the United States Constitution.
23. As a direct result of her dismissal from continued employment with the Defendant, the Plaintiff has suffered public embarrassment, humiliation, great mental pain, great monetary loss, the loss of her ability to work in her chosen profession and the loss of her capability to fully function as a member of her community.

WHEREFORE, the Plaintiff, Cheryl Sears, requests the application of injunctive relief, enjoining the Defendant, the Broward County School Board, from continuing to violate her fundamental rights under the Due Process Clause of the Florida and United States Constitutions, and further, the Plaintiff seeks continued employment as a substitute teacher, along with her seniority rights and all benefits associated with that position, together with the opportunity to be properly considered for full-time teaching positions; and in addition, the Plaintiff requests the following relief: lost wages and benefits associated with a full time position, as well as reasonable attorney's fees, costs, interest and any and all further relief, deemed to be just and proper by this Court.

## COUNT II

24. The Plaintiff restates and reavers the allegations contained in paragraphs 1 through 13 of the Second Amended Complaint, as if fully set forth herein.

25. The Plaintiff was discharged from her employment with the School Board because criminal allegations had been made against her; however, those allegations were subsequently dismissed.
26. The School Board apparently has a *de facto* rule and / or practice, whereby employees, merely charged with criminal offenses, without convictions, can be dismissed from their employment.
27. The School Board's apparent *de facto* rule and / or practice, whereby employees, merely charged with criminal offenses, without convictions, creates two distinct classes of employees, those employees who have been merely charged with criminal offenses and those employees who have not been charged.
28. The School Board's *de facto* rule and / or practice, whereby employees, merely charged with criminal offenses, without convictions, can be dismissed from their employment, is not a rational means of advancing a legitimate state interest.
29. A rule or regulation not reasonably related to a valid government interest may not stand in the face of a due process attack.
30. A general classification of excluding employees from continued employment, is too broad, to be called "reasonable," when it leads to the automatic dismissal of numerous employees from public employment.
31. A *de facto* rule and or practice, which bars an entire class of persons from continued public employment, without any consideration of the merits of each individual case, is irrational and hence, it violates basic and fundamental due

process principles, as enumerated under Article I, Section 9 of the Florida Constitution and under the Due Process Clause of the Fourteenth Amendment to the United States Constitution.

32. As a direct result of her dismissal from continued employment with the Defendant, the Plaintiff has suffered public embarrassment, humiliation, great mental pain, great monetary loss, the loss of her ability to work in her chosen profession and the loss of her capability to fully function as a member of her community.

WHEREFORE, the Plaintiff, Cheryl Sears, requests the application of injunctive relief, enjoining the Defendant, the Broward County School Board, from continuing to violate her fundamental rights under the Due Process Clauses of the Florida and United States Constitutions, and further, the Plaintiff seeks continued employment as a substitute teacher, along with her seniority rights and all benefits associated with that position, together with the opportunity to be properly considered for full-time teaching positions; and in addition, the Plaintiff requests the following relief: lost wages and benefits associated with a full time position, as well as reasonable attorney's fees, costs, interest and any and all further relief, deemed to be just and proper by this Court.

### COUNT III

33. The Plaintiff restates and reavers the allegations contained in paragraphs 1 through 13 of the Second Amended Complaint, as if fully set forth herein.
34. The Plaintiff was discharged from her employment with the School Board because criminal allegations had been made against her; however, those allegations were subsequently dismissed.

35. The School Board apparently has a *de facto* rule and / or practice, whereby employees, merely charged with criminal offenses, without convictions, can be dismissed from their employment.
36. The School Board's apparent *de facto* rule and / or practice, whereby employees, merely charged with criminal offenses, without convictions, creates two distinct classes of employees, those employees who have been merely charged with criminal offenses and those employees who have not been charged.
37. The School Board's *de facto* rule and / or practice, whereby these two distinct classes of employees are created, violates the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.
38. A rule or regulation which serves no rational purpose, or which arbitrarily divides citizens into different classes and treats them differently violates the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.
39. A general classification of excluding employees from continued employment, is too broad, and thus arbitrary, when it leads to the automatic dismissal of numerous employees from public employment.
40. A *de facto* rule and / or practice, which bars an entire class of persons from continued public employment, without any consideration of the merits of each individual case, is arbitrary, serves no valid governmental purpose and hence, it violates the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

41. As a direct result of her dismissal from continued employment with the Defendant, the Plaintiff has suffered public embarrassment, humiliation, great mental pain, great monetary loss, the loss of her ability to work in her chosen profession and the loss of her capability to fully function as a member of her community.

**WHEREFORE**, the Plaintiff, Cheryl Sears, requests the application of injunctive relief, enjoining the Defendant, the Broward County School Board, from continuing to violate her fundamental rights under the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution, and further, the Plaintiff seeks continued employment as a substitute teacher, along with her seniority rights and all benefits associated with that position, together with the opportunity to be properly considered for full-time teaching positions; and in addition, the Plaintiff requests the following relief: lost wages and benefits associated with a full time position, as well as reasonable attorney's fees, costs, interest and any and all further relief, deemed to be just and proper by this Court.

#### COUNT IV

42. The Plaintiff restates and reavers the allegations contained in paragraphs 1 through 13 of the Second Amended Complaint, as if fully set forth herein.
43. The Plaintiff was barred from future full-time employment with the School Board because criminal allegations had been made against her; however, those allegations were subsequently dismissed.
44. The School Board apparently has a *de facto* rule and / or practice, whereby employees, merely charged with criminal offenses, without convictions, can be excluded from future full-time employment.



45. The School Board's apparent *de facto* rule and / or practice, whereby employees, merely charged with criminal offenses, without convictions, creates two distinct classes of employees, those employees who have been merely charged with criminal offenses and those employees who have not been charged.
46. The School Board's *de facto* rule and / or practice, whereby employees, merely charged with criminal offenses, without convictions, can be excluded from future full-time employment, is not a rational means of advancing a legitimate state interest.
47. A rule or regulation not reasonably related to a valid government interest may not stand in the face of a due process attack.
48. A general classification of excluding employees from future full-time employment, is too broad, to be called "reasonable," when it leads to the automatic exclusion of numerous employees from public employment.
49. A *de facto* rule and or practice, which bars an entire class of persons from future full-time public employment, without any consideration of the merits of each individual case, is irrational and hence, it violates basic and fundamental due process principles, as enumerated under Article I, Section 9 of the Florida Constitution and under the Due Process Clause of the Fourteenth Amendment to the United States Constitution.
50. As a direct result of being barred from future full-time employment with the ~~Defendant, the Plaintiff has suffered~~ public embarrassment, humiliation, great

mental pain, great monetary loss, the loss of her ability to work in her chosen profession and the loss of her capability to fully function as a member of her community.

**WHEREFORE**, the Plaintiff, Cheryl Sears, requests the application of injunctive relief, enjoining the Defendant, the Broward County School Board, from continuing to violate her fundamental rights under the Due Process Clauses of the Florida and United States Constitutions, and further, the Plaintiff seeks the opportunity to be properly considered for full-time teaching positions; and in addition, the Plaintiff requests the following relief: lost wages and benefits associated with a full-time position, as well as reasonable attorney's fees, costs, interest and any and all further relief, deemed to be just and proper by this Court.

#### COUNT V

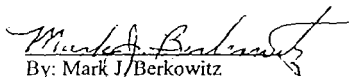
51. The Plaintiff restates and reavers the allegations contained in paragraphs 1 through 13 of the Complaint, as if fully set forth herein.
52. The Plaintiff was barred from future full-time employment with the School Board because criminal allegations had been made against her; however, those allegations were subsequently dismissed.
53. The School Board apparently has a *de facto* rule and / or practice, whereby employees, merely charged with criminal offenses, without convictions, can be excluded from future full-time employment.
54. The School Board's apparent *de facto* rule and / or practice, whereby employees, merely charged with criminal offenses, without convictions, creates two distinct

- classes of employees, those employees who have been merely charged with criminal offenses and those employees who have not been charged.
55. The School Board's *de facto* rule and / or practice, whereby these two distinct classes of employees are created, violates the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.
56. A rule or regulation which serves no rational purpose, or which arbitrarily divides citizens into different classes and treats them differently, violates the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.
57. A general classification of excluding employees from full-time employment is too broad, and thus arbitrary, when it leads to the automatic exclusion of numerous employees from public employment.
58. A *de facto* rule and / or practice, which bars an entire class of persons from future full-time public employment, without any consideration of the merits of each individual case, is arbitrary, it serves no valid governmental purpose and hence, it violates the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.
59. As a direct result of being barred from future full-time employment with the Defendant, the Plaintiff has suffered public embarrassment, humiliation, great mental pain, great monetary loss, the loss of her ability to work in her chosen profession and the loss of her capability to fully function as a member of her community.

**WHEREFORE**, the Plaintiff, Cheryl Sears, requests the application of injunctive relief, enjoining the Defendant, the Broward County School Board, from continuing to violate her fundamental rights under the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution, and further, the Plaintiff seeks the opportunity to be properly considered for full-time teaching positions; and in addition, the Plaintiff requests the following relief: lost wages and benefits associated with a full time position, as well as reasonable attorney's fees, costs, interest and any and all further relief, deemed to be just and proper by this Court.

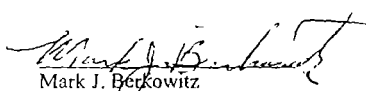
Respectfully submitted,

Mark J. Berkowitz, P.A.  
524 S. Andrews Avenue  
Suite 200N  
Ft. Lauderdale, Florida 33301  
(954) 527-0570 Telephone  
(954) 463-5428 Telecopier  
Fla. Bar No. 369391

  
By: Mark J. Berkowitz

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was sent by regular mail on this 7<sup>th</sup> day of December, 1999, to Gordon Rogers, Esq. and John Walker, Esq., Muller, Mintz, et al., 200 S. Biscayne Blvd., Suite 3600, Miami, Florida 33131.

  
Mark J. Berkowitz

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
FT. LAUDERDALE DIVISION

CHERL SEARS,  
Plaintiff,

CASE NO. 00-6017-CIV-DIMITRIOULEAS

vs.

THE SCHOOL BOARD OF  
BROWARD COUNTY,  
FLORIDA,  
Defendant.

PLAINTIFF'S NOTICE OF FILING OF ANSWERS TO INTERROGATORIES

Plaintiff, Cherl Sears, by her undersigned counsel and pursuant to Rule 33 of the Federal Rules of Civil Procedure, hereby files this Notice of Filing of Answers To Interrogatories.

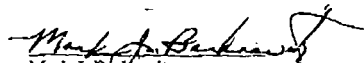
Respectfully submitted,

Mark J. Berkowitz, P.A.  
524 S. Andrews Avenue  
Suite 200N  
Ft. Lauderdale, Florida 33301  
(954) 527-0570 Telephone  
(954) 463-5428 Telecopier  
E-Mail: mjb2157@aol.com.  
Fla. Bar No. 369391

  
By: Mark J. Berkowitz

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was sent by facsimile on this 29<sup>th</sup> day of June, 2000, to Debra Lubkin, Esq., Muller, Mintz, et al., 200 S. Biscayne Blvd., Suite 3600, Miami, Florida 33131.

  
Mark J. Berkowitz

**Plaintiff's Answers To Defendant's First Set of Interrogatories**

**1. Please provide the name, address, telephone number, place of employment and job title of any person who has, claims to have or whom you believe may have knowledge or information pertaining to any fact alleged in the pleadings (as defined in Rule 7(a) of the Federal Rules of Civil Procedure) filed in this action, or any fact underlying the subject matter of this action.**

Ms. Rebecca Dahl, Principal  
Lauderhill Middle School  
Lauderhill, Florida

Limares Cooper, Office Staff  
Lauderhill Middle School

Ms. Gracie Diaz  
Personnel Department  
School Board of Broward County  
Ft. Lauderdale, Florida

Mr. Lockhart  
Lauderhill Middle School

Ms. Cameron  
Lauderhill Middle School

**2. Please state the specific nature of the knowledge that you believe the person(s) identified in your response to Interrogatory No.1 may have.**

Ms. Dahl has knowledge of the nature of the Plaintiff's work as an instructor. In addition, Ms. Dahl encouraged the Plaintiff to apply for a full time teaching position.

Ms. Diaz has knowledge of the specific job requirements for various teaching positions in the Broward County School District. The Plaintiff had conversations with Ms. Diaz regarding the mandated requirements for both full-time and part-time teaching positions.

Limares Cooper has knowledge of the duties which the Plaintiff performed at the Lauderhill Middle School. Both Mr. Lockhart and Ms. Cameron were teachers in the Lauderhill Middle School exceptional student program. Ms. Cameron was on the same "teaching team," as the Plaintiff. Both Ms. Cameron and Mr. Lockhart have knowledge of the quality of the work performed by the Plaintiff, as a teacher at the Lauderhill Middle School.

**3. Please provide the name of each person whom you may use as an expert witness at trial.**

Defendant's Employee Handbook For Instructional Personnel, Defendant's Personnel and Work Rules, Plaintiff's Job Performance Record and State Certification Rules For Full-Time Instructional Positions.

VERIFICATION

I, CHERL SEARS, being first duly sworn in accordance with the law, do hereby depose and state that I have read the answers to Defendant's First Set of Rule 26.1G Interrogatories and that the answers are true and correct to the best of my knowledge and information.

Cheryl Sears  
Cheryl Sears  
CHERL SEARS

STATE OF FLORIDA

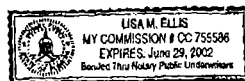
COUNTY OF BROWARD

The foregoing instrument was executed before me on this 27 day of June, 2000, by Cheryl Sears, who is personally known by me [or who has produced FL OR LIC as identification] and who took an oath.  
5620-104-66-723-0

Lisa M. Ellis  
Notary Public

LISA M. ELLIS  
Type or Print Name of Notary

My Commission Expires: -



**Mark J. Berkowitz,  
P.A.**

# Fax

**To:** Debra Lubkin, Esq., Muller, Mintz, et al. **From:** Mark Berkowitz  
**Fax:** (305) 379-3802 **Date:** June 29, 2000  
**Phone:** (305) 358-5500 **Pages:** 8  
**Re:** Sears v. Broward School Board **CG:**  
☐ Urgent ☒ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

**Comments:** Please see the attached discovery responses. I expect to receive the documents from Ms. Sears on 6/30/2000.





UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
FORT LAUDERDALE DIVISION  
CASE NO. 00-6017-CIV-DIMITRIOULEAS

CHERL SEARS,

Plaintiff,

vs.

THE SCHOOL BOARD OF BROWARD  
COUNTY, FLORIDA,

Defendant.

- - - - - /

Suite 200N  
Law Office of Mark J. Berkowitz  
524 South Andrews Avenue  
Fort Lauderdale, Florida 33301  
Tuesday, November 21, 2000  
9:00 - 10:02 a.m.

-----  
DEPOSITION

OF

GRACIE DIAZ  
-----

APPEARANCES:

MULLER, MINTZ, ET AL.,  
GORDON ROGERS, ESQUIRE,  
Appearing on behalf of the Plaintiff.

MARK J. BERKOWITZ, P.A.  
MARK J. BERKOWITZ, ESQUIRE,  
Appearing on behalf of the Defendant.

COPY

1 - - -  
2 I N D E X  
3 - - -

4	EXHIBITS:	PAGE
5	Plaintiff's Exhibit 1	9
	Plaintiff's Exhibit 2	14
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	Plaintiff's Exhibit 6	23
8	Plaintiff's Exhibit 7	38

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25

1 PROCEEDINGS

2 - - -

3 Thereupon,

4 GRACIE DIAZ,

5 being by the undersigned Notary Public first duly  
6 sworn, responded as follows:

7 THE WITNESS: I do.

8 DIRECT EXAMINATION

9 BY MR. BERKOWITZ:

10 Q. Ma'am, please state your name for us  
11 for the record.

12 A. Gracie Diaz.

13 Q. And how are you currently employed?

14 A. I'm employed as director of  
15 instructional staffing for the School Board of  
16 Broward County.

17 Q. How long have you held that position?

18 A. Two years.

19 Q. Ms. Diaz, my name is Mark Berkowitz.  
20 I'm here on behalf of Cheryl Sears, who has filed a  
21 claim against Broward County in the Federal  
22 District Court. And I'm going to be asking you  
23 some questions today regarding the process that  
24 eventually resulted in her not being approved for  
25 continued employment with the Broward County

1 School Board. If there's any questions that you  
2 don't understand, let me know. I'll be happy to  
3 repeat them. If you want to take a break at any  
4 time, just let me know.

5 What are your duties as the director of  
6 instructional staffing for the school board?

7 A. As director of instructional staffing I  
8 oversee the recruitment and hiring process of all  
9 new instructional staff. I also chair the  
10 security clearance committee that reviews security  
11 cases for all employees or all applicants and  
12 employees to the system. Also, review the  
13 security information for a certain group of  
14 employees, instructional student teachers,  
15 substitutes. I am in charge of leaves, transfers,  
16 teacher bonuses, substitutes.

17 Q. How long have you been employed by the  
18 school board in total?

19 A. Since February of '87.

20 Q. And what was the position you held  
21 immediately prior to being director of  
22 instructional staffing?

23 A. Assistant director of instructional  
24 staffing.

25 Q. How long did you hold that position?

1 A. Two years.

2 Q. What kind of educational background do  
3 you have for that position?

4 A. It only requires a bachelor's degree.  
5 I have a bachelor's. And I just need my practicum  
6 for my master's.

7 MR. ROGERS: Why don't you spell  
8 that.

9 THE WITNESS: P-r-a-c-t-i-c-u-m.

10 MR. ROGERS: Whenever you're saying  
11 names, it would help her if you could spell  
12 them so you don't have to do it at the  
13 end. Also, remember that you have to  
14 answer audibly. If you nod your head or  
15 say uh-huh, she'll kick you.

16 BY MR. BERKOWITZ:

17 Q. Where did you get your undergraduate  
18 degree?

19 A. Florida State.

20 Q. And a major in what?

21 A. In elementary education. I started in  
22 the system as a teacher.

23 Q. Specifically, what is your role in the  
24 security clearance committee?

25 A. I chair the committee. And I take any

1 cases that the committee should review in regards  
2 to instructional employees, the substitutes, all  
3 of the cases that I review. There's a  
4 noninstructional director who brings all the  
5 noninstructional cases to the committee. And,  
6 basically, what we do is we share the information  
7 that the applicant has provided based on the  
8 offense, so the individual statement of the  
9 offense, police reports, dispositions.

10 Q. Did you review any records or documents  
11 in preparation for your deposition today?

12 A. Yes.

13 Q. Do you recall what, specifically, you  
14 reviewed?

15 A. I reviewed all of the security  
16 information that Ms. Sears provided, her statement  
17 and police report disposition. I reviewed our  
18 security clearance procedures that you have in  
19 front of you. I reviewed her update application  
20 that she sent in to apply to be considered as a  
21 teacher applicant. And I went through the copies  
22 that you have -- what was presented to you, the  
23 copies of all the documents for file..

24 Q. How does the security clearance  
25 committee make its decision with regard to a

1 specific applicant before -- how does that work?

2 A. Each security member is given the name  
3 of the individual, the position that they are  
4 applying for, and then the offense, what was found  
5 in either the Docketrac system, the local Broward  
6 County system or what the individual admitted, and  
7 the date of the offense, the disposition of the  
8 offense. And then, either the noninstructional  
9 director or I will share the individual's  
10 statement, read the court disposition and the  
11 police report to the individuals of the  
12 committee. And we discuss all of the information  
13 that was shared. And each person then votes  
14 whether to approve the individual for employment  
15 or deny.

16 Q. Who are the members of the security  
17 committee?

18 MR. ROGERS: Objection. Point in  
19 time.

20 BY MR. BERKOWITZ:

21 Q. Well, at the time that Ms. Sears was  
22 denied employment, October of 1998. -

23 A. The names were provided, to tell you  
24 offhand because the committee has changed a few  
25 times; but they were provided in a document, in a



1 memo, that lists all of the individuals that were  
2 on the committee at that time.

3 Q. And their decision is made by a  
4 majority vote?

5 A. Yes.

6 Q. Does members of the security committee,  
7 are there any guidelines that they use in making  
8 their determinations on specific cases?

9 A. At the time that Ms. Sears' case was  
10 reviewed, we did not have written guidelines. The  
11 committee used guidelines basically by practice,  
12 past practice and comparing similar cases. But as  
13 far as written guidelines, no, at that time there  
14 were not written guidelines.

15 Q. Do you know what the practical  
16 guidelines were at that point in time?

17 A. They really do vary from case to case.  
18 We certainly -- there's some general practices,  
19 for example, if a felony was committed within the  
20 last ten years, we would review the case. And we  
21 would look at the adjudication and look at all of  
22 the mitigating factors in the case, review them on  
23 an individual basis; yet, if we found that there  
24 was reason to believe that the event occurred,  
25 that person may not be employable. Certainly a

1 sex offense, a drug offense, those cases --  
2 everything is reviewed on a case-by-case basis.  
3 But if there's reason to believe that there was  
4 probable cause or that there was information that  
5 substantiated that this occurred, that person may  
6 be deemed nonemployable. But we did review them  
7 case by case.

8 Q. When did the board of the security  
9 committee adopt formal written guidelines?

10 A. We formalized the guidelines, I believe  
11 it was in December of 1999 based on a request from  
12 our school board for BSO to come in and review our  
13 security clearance process, the professional  
14 standards committee process that reviews current  
15 employee investigations. And as a result of the  
16 review, BSO had given us samples of other  
17 district's written guidelines. And we  
18 incorporated those other district guidelines,  
19 specifically Pinellas's, and created the ones that  
20 you are looking at.

21 MR. BERKOWITZ: Let me show you what

22 I would like to mark has Plaintiff's

23 Exhibit 1.

24 (Plaintiff's Exhibit 1 was marked for  
25 identification.)

1 BY MR. BERKOWITZ:

2 Q. I'm showing you what we've marked as  
3 Plaintiff's Exhibit 1. Are these the written  
4 guidelines that you referred to earlier?

5 A. Yes.

6 Q. Who at BSO assisted in the development  
7 of these guidelines; do you know?

8 A. I can't recall their names right now.  
9 There were three investigators that we worked  
10 with.

11 Q. Now, would it be fair to say that these  
12 written guidelines codified or memorialized the  
13 prior guidelines that you had before they became  
14 written down?

15 A. Yes.

16 Q. If you look at Roman numeral number 4  
17 where it says, Case By Case Review, where it says  
18 DUI, is that an arrest or just a conviction, or  
19 could it be both?

20 A. It is -- if on the top it tells you  
21 regardless of the adjudication, whether it was  
22 guilty, no contest plea, the person entered in a  
23 pretrial intervention, an adjudication withheld,  
24 that's what it's referring to. If it's a case  
25 where someone is found not guilty, it's completely

1 dismissed without the individual going through  
2 pretrial intervention or working out some kind of  
3 agreement with the courts, then that -- those  
4 cases are all -- those are the factors that we use  
5 in order to determine whether it's...

6 Q. Okay. Now, in October of 1998 was  
7 there a policy by the security committee whereby  
8 applicants for instruction in the instructional  
9 staffing department would be denied employment  
10 based upon a felony drug arrest?

11 MR. ROGERS: Objection to form as to  
12 the policy as a term of art. You can go  
13 ahead and answer the question.

14 THE WITNESS: Was there a policy?  
15 No. It would be reviewed by the security  
16 committee. It wouldn't be automatic denial  
17 of the employment. The case would be  
18 reviewed. A drug offense can be many  
19 different types of drugs or incidents.

20 BY MR. BERKOWITZ:

21 Q. Well, look at number 2 where it says --  
22 on Plaintiff's Exhibit Number 1, Felony Drug Use.  
23 Do you see that?

24 A. Yes.

25 Q. And according to the written policy,

1 that's automatically will not hire; is that  
2 correct?

3 A. Yes. But that was put in place as of  
4 December 1999. Prior to that, the cases were  
5 taken -- every case was taken to security  
6 clearance committee and reviewed on a case-by-case  
7 review.

8 Q. Now, specifically with respect to  
9 Ms. Sears in October of '98 --

10 A. Yes.

11 Q. -- what was the process whereby she was  
12 denied continued employment with the school board?

13 A. She applied to be considered as a  
14 full-time applicant. She completed the security  
15 clearance form where she indicated that she had  
16 been arrested and entered into pretrial  
17 intervention program. Then the charges were  
18 dismissed. She provided the required police  
19 report, disposition of the case. All of that was  
20 shared with the security committee. And the  
21 security committee, after reviewing all of the  
22 documents, felt as though, based on her statement  
23 which referred to a male friend, that she was in  
24 the vehicle with a male friend, that she had lent  
25 this friend her car, it did not coincide with the

1 police report that said this was more than a male  
2 friend. This is someone she was living with. And  
3 that she --

4 In reviewing all of this information,  
5 the committee felt that she may have not been  
6 quite as forthcoming in her statement, that she  
7 should have been a little bit more specific as to  
8 what had occurred, and that it was a drug  
9 offense.

10 Q. So you're saying that the committee was  
11 concerned about an inconsistency regarding  
12 Ms. Sears said the individual was a male friend  
13 and the police report said that she was living  
14 with the person?

15 A. That was part of it, that the committee  
16 was concerned she was not giving us the full  
17 picture. And also, she did not indicate the  
18 amount of drugs in her statement that was found in  
19 the vehicle.

20 Q. Were there any other alleged  
21 inconsistencies in the statements that the  
22 committee examined or evaluated?

23 A. Could I see the statement?

24 Q. Sure. Is this the same document?

25 A. Yes, it is.

1 MR. BERKOWITZ: Let's mark this then  
2 as Plaintiff's Exhibit 2.

3 (Plaintiff's Exhibit 2 was marked for  
4 identification.)

5 BY MR. BERKOWITZ:

6 Q. Looking at Plaintiff's Exhibit 2, which  
7 is a statement signed by Ms. Sears on  
8 September 16th of '98 --

9 A. Yes.

10 Q. -- what were the specific  
11 representations that she made in her statement to  
12 the board that caused the committee some concern?

13 A. Specifically, she made it sound -- by  
14 referring to this gentleman as a male friend of  
15 mine, made it sound like it was a much more  
16 informal type of relationship with the individual,  
17 almost as though, I just lent my car to someone;  
18 it's a casual friend; I had no idea what happened  
19 to the car, that these drugs were in the car.

20 The police report stated that this  
21 person was a live-in boyfriend. And we later also  
22 noticed that she had the same name of the  
23 individual that was identified in the police  
24 report.

25 Additionally, she -- I just lost my

1 train of thought. I'm sorry. Can I see the  
2 police report?

3 Q. Sure. Got it?

4 MR. ROGERS: I've got one.

5 MR. BERKOWITZ: Okay. Why don't we  
6 mark this so the record is clear.

7 (Plaintiff's Exhibit 3 was marked for  
8 identification.)

9 BY MR. BERKOWITZ:

10 Q. Marking the police report as  
11 Plaintiffs' Exhibit 3.

12 A. The other concern I remember now when I  
13 look at the police report is -- the other concern  
14 is the money found in her purse and that the  
15 police officer indicated that the narcotic dog  
16 found the money in the purse that obviously had a  
17 trace of or a scent of drugs.

18 Q. So have we covered all the alleged  
19 inconsistencies that this committee was concerned  
20 about?

21 A. Yes.

22 Q. Now, is that the first step in the  
23 process where they reviewed -- the committee  
24 reviews these documents?

25 A. Yes.



1 Q. And then are there subsequent steps in  
2 the process?

3 A. The individual -- after the committee  
4 makes the decision, the individual has a right to  
5 appeal the decision that the committee makes.

6 Q. And how did Ms. Sears or did Ms. Sears  
7 appeal that?

8 A. She did. She sent a letter to the  
9 associate superintendent of district  
10 administration, Mr. Blitman.

11 MR. ROGERS: Spell that.

12 THE WITNESS: B-l-i-t-m-a-n.

13 MR. BERKOWITZ: Let me show you what  
14 I'd like to mark as Plaintiff's Exhibit 4.

15 (Plaintiff's Exhibit 4 was marked for  
16 identification.)

17 BY MR. BERKOWITZ:

18 Q. Is that the appeal that you just  
19 referred to?

20 A. Yes, it is.

21 Q. Now, does Mr. Blitman rule on the  
22 appeals himself back in October of '98, or does he  
23 consult with the committee, or how does that work?

24 A. He consulted with the committee. The  
25 process was that he would take -- we would bring

1 the appeals back to the committee. We would  
2 review the documents again. There would be  
3 discussion on the merits of the case. And  
4 Mr. Blitman would listen to each person on the  
5 committee, their opinion, if they thought that we  
6 should support the appeal or deny the appeal. And  
7 then, ultimately, he would make the final  
8 decision.

9 On occasion he may decide to support  
10 how the committee members feel if he feels that  
11 the person was unable to provide any additional  
12 information that clarified the situation or that  
13 showed that we misinterpreted something that she  
14 had provided previous to that point. But in this  
15 case he supported the decision of the committee  
16 and supported -- and denied her, rather.

17 Q. Are there any minutes taken of these  
18 security committee meetings?

19 A. No.

20 Q. So there's no record of them?

21 A. No.

22 Q. Was Ms. Sears given the opportunity to  
23 personally address the members of the security  
24 committee?

25 A. No. That is not in the procedures for

1 the appeal. The individual has to provide a  
2 letter and any supporting documents that he or she  
3 would like to provide.

4 Q. What about in the initial case review?  
5 Was there a procedure whereby Ms. Sears could have  
6 addressed the security committee?

7 A. No.

8 MR. BERKOWITZ: Let me show you what  
9 I would like to mark as Plaintiff's Exhibit  
10 Number 5.

11 (Plaintiff's Exhibit 5 was marked for  
12 identification.)

13 BY MR. BERKOWITZ:

14 Q. Can you identify that document for us?

15 A. Yes. This is a standard letter if an  
16 individual -- at that time. We've changed it  
17 since. But the standard letter that indicates to  
18 the individual that their appeal has been denied.

19 Q. Is there any further process that's  
20 allowed after this appeal is denied in terms of  
21 internal school board procedures?

22 A. Any individual has the right to appeal  
23 to the superintendent, to the school board. So  
24 she certainly could have done that if she had  
25 chosen to.

1 Q. Do you know if that happened in this  
2 case?

3 A. I do not know that -- I do not think  
4 that she did that, no. I was never asked about it  
5 beyond this or saw any other documents that she  
6 did appeal higher.

7 Q. Now, you were aware of the fact when  
8 you initially considered Ms. Sears' case at the  
9 security committee that she pleaded nolo contendere  
10 to a drug offense; is that correct?

11 A. Yes.

12 Q. And you were aware of the fact that she  
13 entered a pretrial intervention program; is that  
14 correct?

15 A. Yes.

16 Q. And you were aware of the fact that she  
17 successfully completed the pretrial intervention  
18 program; is that correct?

19 A. Yes.

20 Q. And how do those factors enter into the  
21 committee's decision to recommend that she not be  
22 employed?

23 A. We used several -- and Florida Statute  
24 I believe it's 435.04 indicates offenses, Criminal  
25 offenses regardless of adjudication, these

1 offenses would be prohibitors in districts or in  
2 employers hiring individuals with these offenses.  
3 And it includes if someone has pled nolo  
4 contendere. We use that as one factor.

5 Additionally, we use some of the  
6 standards that have been -- and they haven't given  
7 it to us in writing, but in conversations with  
8 professional practices in Tallahassee that reviews  
9 security cases for all new teacher applicants to  
10 determine whether an individual would qualify for  
11 a teaching certificate, they also take into  
12 account nolo pleas, pretrial interventions; and  
13 even if the case is dismissed, they review all of  
14 that information as well and may deem someone  
15 ineligible for a teaching certificate based on  
16 it.

17 And certainly, because we look at that,  
18 it was a drug offense and a felony offense, and  
19 the severity of that offense and the concern of  
20 safety of children, we -- and after looking at all  
21 of her documents, we felt that there was reason to  
22 believe that she wasn't completely, again,  
23 completely -- giving us a complete picture, being  
24 100-percent truthful in her statement. And  
25 because of the severity of the offense, the

1 committee deemed that she would not be employable  
2 as a substitute or any type of employee in the  
3 system.

4 Q. Well, are you saying that according to  
5 State of Florida teaching certificate provisions  
6 that if one is arrested, has a felony arrest, that  
7 person cannot get a teaching certificate?

8 A. Not in every case, no. But they  
9 review, they review all of that information. They  
10 may deem that an individual with a felony offense  
11 would not be eligible for a teaching certificate.  
12 They have in the past. They have for misdemeanor  
13 drug offenses in the past denied people  
14 eligibility for a teaching certificate. They  
15 review it also on a case-by-case basis.

16 Q. Do you know what authority you're  
17 assigning for that review on a case-by-case basis?

18 A. Yes. Jerry Whitmore of professional --  
19 oh, the law? Are you saying the law?

20 Q. Yes. Who is this Jerry Whitmore?

21 A. Jerry Whitmore works for Professional  
22 Practices in Tallahassee. He's an administrator  
23 that oversees professional practices.

24 Q. Now, if Ms. Sears had indicated to the  
25 security committee initially that this male was

1 not just a friend but it was a live-in boyfriend  
2 and if she had indicated that she had a fifty  
3 dollars in ones in her purse, what kind of  
4 difference would that have made in the committee's  
5 determination, if any?

6 A. I would be speculating in trying to  
7 speak for the entire committee. I hate to say --  
8 I'd hate to say how they would have ruled or if  
9 they would have ruled any differently. In my  
10 opinion -- I would not have ruled differently  
11 because of the nature of the offense. And still,  
12 that doesn't really change the substance of her  
13 statement and what occurred.

14 Q. Now, if the record of the felony drug  
15 arrest had been expunged or stricken from the  
16 records, would that have made any difference in  
17 the security committee's determination?

18 A. No. We still review those records when  
19 we receive information from FDLE, FBI, that a  
20 record is sealed or expunged. We still have  
21 access to those records and ask the individual to  
22 disclose that information to us. And I believe in  
23 our statement on the security form pursuant to  
24 Florida Statute 943.058 that we have access to all  
25 sealed and expunged records as well as juvenile

1 offenses.

2 Q. You're referring to Plaintiff's Exhibit  
3 Number 2?

4 A. Yes.

5 MR. BERKOWITZ: Let me show you what  
6 I'd like to mark as Plaintiff's Exhibit 6.

7 (Plaintiff's Exhibit 6 was marked for  
8 identification.)

9 BY MR. BERKOWITZ:

10 Q. Can you identify Plaintiff's Exhibit  
11 Number 6 for us?

12 A. This is the security clearance  
13 procedure that we use for the security clearance  
14 process of all employees. And it is from our  
15 personnel division handbook.

16 Q. When was this particular procedure in  
17 effect; do you know?

18 A. It was -- if you look on the second  
19 page, it was first prepared July 1st, '96; revised  
20 November 20th, '98. And this was the final one we  
21 have reviewed. And I believe there's been changes  
22 since. But this is the one that we changed when  
23 we reviewed all of our security procedures and  
24 established the written hiring guidelines that we  
25 discussed earlier.



1 Q. So Plaintiff's Exhibit Number 6 was not  
2 in effect in October of 1996; is that correct?

3 A. It was. Not this version, but it was  
4 in effect. It's been in effect since July of '96.

5 Q. Well, how does this version,  
6 Plaintiff's Exhibit 6, differ from what was in  
7 effect in October of '96, if you know?

8 A. I do not know.

9 Q. Now, if you look at section C-1 of  
10 Plaintiff's Exhibit Number 6 where it indicates:

11 "If an individual provides documentation  
12 of a criminal incident, regardless of  
13 whether adjudication was withheld, such  
14 individual shall not be employed."

15 Was that guideline in effect in  
16 October of 1998?

17 A. No, because it's underlined, that was  
18 new verbiage that was added based on the review,  
19 the BSO review.

20 Q. So is it fair to say that in October of  
21 '98 everything that was not underlined in  
22 Plaintiff's Exhibit 6 was in effect in October of  
23 1996?

24 A. Could you restate that, please?

25 Q. Is it fair to say that all of the

1 language that is not underlined was in effect at  
2 the time of Ms. Sears' application in October of  
3 1996?

4 A. October of 1998?

5 Q. '98. I'm sorry.

6 A. Okay.

7 MR. ROGERS: Objection to form.

8 Calls for speculation.

9 MR. BERKOWITZ: If you know.

10 MR. ROGERS: If you know. Go ahead  
11 and answer.

12 THE WITNESS: No. I can't say with  
13 certainty, no.

14 BY MR. BERKOWITZ:

15 Q. Who would know that at the school  
16 board? Do you know?

17 MR. ROGERS: For the record, the  
18 document should exist.

19 BY MR. BERKOWITZ:

20 Q. Well, do you know who would know that  
21 at the school board?

22 A. I'm looking at the dates to see because  
23 we did keep track of when it was revised.  
24 October 1998.

25 Q. Well, the document lists you as a

1 contact person; is that correct?

2 A. Right. I just want to make sure that,  
3 because I'm looking at the changes -- we made  
4 changes in November 20th, '98. So I'm not sure --  
5 I believe in October of '98 the section --  
6 everything was here other than the sections that  
7 are underlined. And now looking at the section on  
8 the second page that is stricken through, and that  
9 was really the only change was in November the  
10 change was that we changed the title of the person  
11 that they would appeal to, the individual would  
12 appeal to. So other than that, then this would  
13 have been the document in October of '98. So all  
14 the parts stricken through and underlined were not  
15 there.

16 Q. You mentioned that there was also a  
17 security procedure for noninstructional staff; is  
18 that correct?

19 A. Yes.

20 Q. And are you involved in the  
21 noninstructional staff review?

22 A. The noninstructional staffing director  
23 reviews those and then brings them to the  
24 committee where the same committee that reviews  
25 instructional reviews and noninstructional cases.

1 Q. In October of '98 were the guidelines  
2 for noninstructional staff for the security  
3 committee any different than for the instructional  
4 staff?

5 A. No.

6 Q. They were the same?

7 A. The same.

8 Q. And by noninstructional staff, what  
9 kind of staff are we talking about?

10 A. Teacher aides, assistants, clerical,  
11 food service, bus drivers.

12 Q. Any other kinds of employees?

13 A. Yes. Custodians. I'm sure I'm  
14 omitting some, but general group.

15 Q. So the custodian position in October of  
16 '98 would be subject to the same guidelines, if  
17 you will, noted in Plaintiff's Exhibit Number 6?

18 A. Yes.

19 Q. What is the difference between a  
20 substitute, a pool substitute and an interim  
21 substitute?

22 A. A substitute is a daily substitute that  
23 may be at a school just for one day two days a  
24 week.

25 A pool sub is a position that is

1 allocated to a school. That substitute reports to  
2 that school every day and substitutes every day at  
3 that school. That person does not have to work at  
4 different schools.

5 The interim sub position is a  
6 substitute that's filling in for an individual  
7 that is out for 20 days or more. Could be due to  
8 a leave of absence, disability leave. And also,  
9 March 1st of every year we stop hiring full-time  
10 teachers. And any new positions, teacher  
11 positions from March 1st on, would have to be  
12 filled by an interim sub. And an interim  
13 substitute must have a bachelor's degree in order  
14 to qualify.

15 Q. Now, Ms. Sears was denied employment  
16 both as a permanent hire and as a substitute, is  
17 that correct, in October of '98?

18 A. Yes.

19 Q. So the security committee's concerns  
20 were the same for a substitute teacher or for  
21 full-time instructional staff; is that correct?

22 A. Yes.

23 Q. Do you know what the procedures were?  
24 After Mr. Blitman denied the appeal, what would  
25 have been the procedure after that specifically;

1 do you know?

2 A. It would be up to Ms. Sears, if she  
3 would choose to write a letter or to appeal to the  
4 superintendent or to the school board. She could  
5 also apply back to the school board a year after  
6 the initial review of her security clearance and  
7 ask that the security committee review the  
8 documents again and provide any additional  
9 information or work experience information that  
10 she's had within that year.

11 Q. Do you know what procedures are  
12 specifically used or guidelines are specifically  
13 used in the appeal process to the superintendent,  
14 how he would evaluate an application after  
15 Mr. Blitman denies the appeal?

16 A. We have various -- we've had various  
17 superintendents. And they handle them  
18 differently. But generally, they individually  
19 calls them or writes them a letter. And the  
20 superintendent will review all the same  
21 documents. And the ones that I've been involved  
22 with, he normally would ask the associate  
23 superintendent over human resources, myself and  
24 the director of noninstructional, since we both  
25 basically chair the committee. And he would ask

1 to go over all of the -- all the conversation, the  
2 issues that were discussed, look at her paperwork,  
3 look at her file and her references and  
4 qualifications. And sometimes they would -- the  
5 superintendent would make a decision based on  
6 that. Other times the superintendent may still,  
7 in addition, want to call the person in or discuss  
8 the case with the individual.

9 Q. What about if an appeal was further  
10 made to the school board, what would be the  
11 process then?

12 A. The person would ask to speak before  
13 the school board going through the  
14 superintendent's liaison and schedule a time at a  
15 board meeting to bring up his or her issue. And  
16 then at that point, the school board may or may  
17 not decide to ask the superintendent to review the  
18 matter again or look into the matter further.

19 Q. Now, these procedures that you're  
20 describing as of October of '98, after  
21 Mr. Blitman's level, were they written down any  
22 place or is this just a practice?

23 A. It's a practice.

24 Q. At any point did they become written  
25 down?

1 A. No.

2 Q. Now, you mentioned that Ms. Sears could  
3 have reapplied after a year; is that correct?

4 A. Yes.

5 Q. If she had reapplied in, let's say  
6 December of 1999, would she have been  
7 automatically excluded from further employment?

8 A. No. Her case -- she would go through  
9 the same process and her case would be reviewed  
10 again. And any additional information would be  
11 shared with the committee because remember,  
12 sometimes the committee changes from year to  
13 year. So it would be as though she started again  
14 as new. All the documents would be reviewed and  
15 discussed.

16 Q. Okay. Maybe I misunderstood you,  
17 then. It was my understanding that -- I mean,  
18 according to Plaintiff's Exhibit 6, as of December  
19 of '99, the rules of the game changed in that  
20 there were automatic exclusions; is that correct  
21 or not?

22 A. An individual still can apply each  
23 year. And if they provide -- this does not mean  
24 automatic. If a person can still provide  
25 information, documents that might change the



1 decision of the committee or through the appeal  
2 process change the decision of our associate  
3 superintendent, then they may be approved.  
4 Initially, if they meet --

5 If it is, let's say, a felony drug  
6 offense and it's a no contest plea or a guilty  
7 plea or adjudication withheld, initially that  
8 person may be denied; but the person has a right  
9 to appeal and provide any additional information  
10 that may change the decision of our committee or  
11 the associate superintendent. And these  
12 individuals can apply each year to have their case  
13 reviewed and can provide any additional  
14 information that might change the committee's  
15 decision.

16 Q. So you're saying that even under the  
17 new procedure, there was no hard and fast rule  
18 that someone with a felony arrest would not be  
19 automatically excluded?

20 A. Right. There's still an option for  
21 someone to appeal and provide additional  
22 information to help change the committee's  
23 decision.

24 Q. Post December 1999 were there any  
25 formal written guidelines as to what either the

1 superintendent or the school board can review in  
2 terms of the application at that point?

3 A. I don't understand your question.

4 Q. Well, December of 1999, let's suppose  
5 that an applicant wants to go beyond the  
6 Hal Blitman appeal. Are there formal guidelines  
7 at that point in terms of what the superintendent  
8 would look at?

9 A. No.

10 Q. Would the superintendent automatically  
11 exclude somebody for a felony arrest at that  
12 point?

13 A. No. He would review all of the  
14 documents.

15 Q. And you don't see a conflict there in  
16 what your testimony is with C-1 on Plaintiff's  
17 Exhibit 6?

18 A. No, because on initial review an  
19 individual may be denied based on these offenses.  
20 And these guidelines --

21 MR. ROGERS: Which document are you  
22 referring to?

23 THE WITNESS: The personnel hiring  
24 guidelines.

25 MR. ROGERS: What's the number on

1           it?

2                   MR. BERKOWITZ:   What was this?   1?

3                   MR. ROGERS:    1, I believe.

4                   MR. BERKOWITZ:   I think it was 1.

5                   THE WITNESS:   On initial review this  
6                   person may be denied.   And it was put in  
7                   place so we would handle these cases  
8                   consistently.   Then, this person does have  
9                   the right to appeal and have further  
10                  discussion and provide a letter and any  
11                  further documentation, as I stated, that  
12                  would possibly change the decision by the  
13                  committee and/or by the associate  
14                  superintendent and certainly could, again,  
15                  appeal to the superintendent or the school  
16                  board.   So it's not -- initially, it might  
17                  be a denial based on what's on the  
18                  guidelines.   But that person does have a  
19                  right to provide additional information.

20       BY MR. BERKOWITZ:

21                  Q.    So you're saying initially, before the  
22                  security committee, it may or may not be a rule of  
23                  exclusion; is that correct?

24                  A.    Right.

25                  Q.    But regardless of whether or not it's a

1 rule of exclusion, initially, the person can still  
2 appeal that; is that correct?

3 A. Yes.

4 Q. But we're uncertain as to what  
5 standards or procedures would apply in that  
6 subsequent appeal process; is that correct?

7 A. Beyond the associate superintendent.

8 Q. Right.

9 A. Because it would be up to the  
10 superintendent what information he would want to  
11 review.

12 Q. So at that level it's kind of a  
13 case-by-case or an all-circumstances review?

14 A. Well, it's a case by case when they  
15 appeal as well by the associate superintendent.

16 Q. Have there been any cases where someone  
17 with a felony drug arrest, since 1998, has been  
18 employed by the school board?

19 A. Since 1998, I could not give you that  
20 answer.

21 Q. You don't know?

22 A. No.

23 Q. Can you recall anyone coming before  
24 your committee being approved if they had a felony  
25 drug arrest?

1 A. Yes.

2 Q. But you don't know the name of the  
3 person?

4 A. Offhand, no. But we have been --  
5 because certainly the passage of time, when that  
6 offense occurred, plays into a big part of it.  
7 And what the person has done since that time and  
8 if the person has had a clean record since that  
9 time, all of those factors are considered.

10 Q. Well, are there any specific standards  
11 regarding passage of time? If it's a drug arrest  
12 that's less than ten years old, the procedure says  
13 the person will not be hired; is that correct?

14 A. A felony drug offense less than ten  
15 years, yes. On initial review that individual may  
16 be denied if they had a guilty plea, adjudication  
17 withheld, no contest or pretrial intervention.  
18 But again, that individual could apply for the  
19 appeal and ask the associate superintendent to  
20 review any information this person may have  
21 taught -- this might have happened eight years  
22 ago; and since, the person has gone through drug  
23 rehabilitation, has taught in another state  
24 successfully, was able to get a teaching  
25 certificate, has wonderful references. All of

1 that would be taken into consideration.

2 Q. What specific written instructions are  
3 provided to an applicant regarding the appeal  
4 procedure? Let's say in October of '98. Were  
5 there any written instructions provided?

6 A. No. In Ms. Sears' case, she contacted  
7 our office and she was told to appeal to  
8 Mr. Blitman by sending a letter. But there is  
9 nothing in writing that we hand them and say,  
10 Okay, this is what you need do as far as this is  
11 all of the information that you can supply. We  
12 ask that the individual provide any information  
13 that would strengthen their case.

14 Q. Did you inform Ms. Sears that she was  
15 to provide any additional information that was to  
16 strengthen her case in October of '98?

17 A. I did not speak to her personally. And  
18 I am unsure of who she spoke to or what that  
19 individual told her.

20 Q. But there was nothing in writing at  
21 that time as to what an applicant could provide in  
22 an appeal procedure; is that correct?

23 A. No. Yes, it is correct. There is  
24 nothing.

25 MR. BERKOWITZ: Let me show you what

1 I'd like to mark as Plaintiff's Exhibit 7.

2 (Plaintiff's Exhibit 7 was marked for  
3 identification.)

4 BY MR. BERKOWITZ:

5 Q. Let me ask you this question before we  
6 go to this document. Did Ms. Sears have the  
7 proper credentials to continue to teach in  
8 October of '98?

9 MR. ROGERS: Objection to form.  
10 Teach as what?

11 MR. BERKOWITZ: Well, teach as a  
12 permanent teacher in social science.

13 THE WITNESS: Well, when you say  
14 continue, she never was hired as a  
15 teacher. She would not and did not at the  
16 time have the credentials to qualify for a  
17 teaching certificate that would enable her  
18 to be hired as a full-time teacher.

19 BY MR. BERKOWITZ:

20 Q. What authority do you have that  
21 supports that conclusion?

22 A. This document. If you take a look at  
23 the second paragraph, the statement of eligibility  
24 from the Department of Education.

25 MR. ROGERS: This is Plaintiff's 7?

1 MR. BERKOWITZ: Yes.

2 THE WITNESS: Second sentence, Based  
3 upon current requirements, you will be  
4 eligible for a two-year nonrenewable  
5 temporary certificate valid for two  
6 consecutive school fiscal years covering  
7 middle grades social science when you  
8 complete the following subject area  
9 requirements: The three hours in history  
10 and three hours in geography.

11 In order for a teacher to be eligible  
12 to teach in the State of Florida, a teacher  
13 has to be eligible for a temporary  
14 certificate. She was -- Ms. Sears was  
15 still lacking six hours in order to be  
16 eligible for a teaching certificate.

17 From all of the paperwork that we  
18 had, she did not provide any transcripts or  
19 course work that showed that she had  
20 completed these six hours; therefore, she  
21 would not qualify for a temporary  
22 certificate and could not be recommended  
23 for a full-time teaching certificate. Her  
24 degree in criminal justice does not qualify  
25 her for a teaching certificate.



1 BY MR. BERKOWITZ:

2 Q. Well, how was it that she qualified for  
3 a substitute teaching position?

4 A. You can be a substitute teacher with 60  
5 semester hours of college credit.

6 Q. Did she have any particular period of  
7 time in which to complete the six hours of  
8 additional study?

9 A. In order to qualify for a temporary  
10 certificate, no. You cannot hold the temporary  
11 certificate and take these hours. They will not  
12 issue the temporary certificate until she met  
13 those requirements.

14 What this document does is it showed  
15 that Cheryl applied to have her transcripts  
16 evaluated for middle grade social science. The  
17 validity of this document is for two years. In  
18 essence, it says, Cheryl, we will state that you  
19 can -- if we increase the requirement for middle  
20 grade social studies, let's say we go from 18  
21 hours to now requiring 24 hours to middle grade  
22 science, you fall under the old rules. We're  
23 protecting you for the two years, the validity of  
24 this statement. And you only need six hours to  
25 qualify for a temporary certificate. But in order

1       for that certificate to be issued, she had to  
2       complete the six hours because you cannot teach  
3       without qualifying at least for the temporary  
4       certificate.

5           Q.    So it's your position that in October  
6       of '98 she did not have the appropriate  
7       requirements completed for the issuance of a  
8       permanent certificate?

9           A.    Yes.

10          Q.    Were there any documents that she was  
11       given in October of '98 that indicated that?

12          A.    She was sent a letter asking her to  
13       provide the statement of eligibility so that we  
14       could make a determination whether she was  
15       eligible or not. And, obviously, she applied.  
16       And it's showing that she, indeed, was not  
17       eligible yet because she still lacked six hours.

18               MR. BERKOWITZ: I don't have any  
19       other questions, then. Thank you.

20

21               (The witness was excused.)

22

23               (At 10:02 a.m. the deposition was concluded.)

24

25

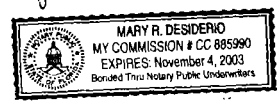
1 STATE OF FLORIDA  
2 COUNTY OF PALM BEACH  
3  
4  
5

6 I, Mary R. Desiderio, the undersigned  
7 Notary Public, in and for the State of Florida,  
8 hereby certify that GRACIE DIAZ personally  
9 appeared before me and was duly sworn.

10  
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12  
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WITNESS my hand and official seal this  
6th day of December, 2000.

*Mary R. Desiderio*



## C E R T I F I C A T E

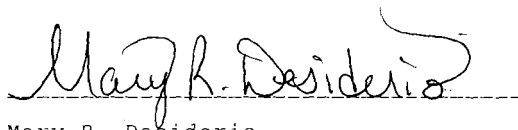
STATE OF FLORIDA

COUNTY OF PALM BEACH

I, Mary R. Desiderio, Registered Professional Reporter, do hereby certify that I was authorized to and did stenographically report the foregoing deposition; and that the transcript is a true and correct transcription of the testimony given by the witness.

I further certify that I am not a relative, employee, attorney or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

Dated this 6th day of December, 2000.

A handwritten signature in cursive script, reading "Mary R. Desiderio", is written over a horizontal dashed line.

Mary R. Desiderio,

Registered Professional Reporter

# Personnel Hiring Guidelines

Criminal Records Including Guilty Pleas (Regardless of Adjudication),  
No Contest Pleas, Pre-trial Intervention/Diversion

This is not intended to be a complete list of all disqualifying criminal offenses.

## I. Will Not Hire

- Extreme Violence (Aggravated Assault/Aggravated Battery, Murder, Attempted Murder)
- Sexual Offense (Lewd & Lascivious-Sexual Battery, Rape, Sex With A Minor)
- Kidnapping
- False Imprisonment
- Child Abuse
- Arson
- Pornography
- Extortion
- Manslaughter (Including Vehicular Homicide/Involuntary)
- Indecent Exposure If Sexual In Nature
- Currently on probation or has a case pending

## II. Will Not Hire - If Offense Less Than 10 Years Old. Will Consider And Carefully Review If Older Than 10 years.

- Felony Drug Use
- Grand Theft / Robbery
- Burglary
- Felony Battery/Assault
- Felony Possession of a Concealed Weapon
- Welfare/Unemployment Fraud
- Forgery
- Prostitution or Solicitation of Prostitution
- Grand Larceny
- Other Felonies Not Mentioned in Section I

## III. Will Not Hire - If Offense Is Less Than 5 Years Old. Will Consider And Carefully Review If Older Than 5 Years.

- Multiple DUI's
- Misdemeanor Drug and/or Paraphernalia
- Possession of Concealed Weapon - Misdemeanor
- Battery/Assault
- Resisting Arrest With Violence
- Domestic Violence

## IV. Judgment - Case By Case Review

- DUI - One Incident Only
- Sale of Alcohol to Minor
- Worthless Checks
- Disorderly Conduct
- Multiple Criminal Offenses
- Petty Theft (Theft to Deprive/Retail Theft/Shoplifting)
- Loitering
- Trespassing
- Arrest With Out Violence
- Larceny
- Other criminal offenses



12/10/99

0055



The School Board of Broward County, Florida

## Security Background Check

**THIS FORM MUST BE TURNED IN WITH YOUR APPLICATION FOR EMPLOYMENT.**Name: Sears, Cheryl D, Hutchins SSN: \_\_\_\_\_

Date of

Birth:

06/23/66Address 4730 N.W. 11th St. Lauderdale Hill Fl 33313Phone #: 797-7968

At the time of employment your fingerprints will be researched by local, state and federal law enforcement agencies. Sealed or expunged records must be revealed to the School Board of Broward County pursuant to F.S. 943.058. Your employment with the Broward County School District is temporary and probationary pending successful processing of your fingerprints. The following questions must be answered truthfully. A "Yes" answer to any of the following questions, does not automatically keep you from being hired. Your omission or falsification of any criminal history, including juvenile incidents, (misdemeanor or felony, see reverse for examples of criminal offenses) information will result in your immediate termination.

- Yes ☐ No ☒ 1. Have you ever been convicted of an offense (misdemeanor or felony) other than a minor traffic violation? (Driving under the Influence [DUI] and Driving while Intoxicated [DWI] convictions are not minor and must be reported.)
- Yes ☐ No ☒ 2. Have you ever been found guilty of a criminal offense?
- Yes ☒ No ☐ 3. Have you ever entered a nolo contendere or no contest plea in a criminal proceeding?
- Yes ☐ No ☒ 4. Have you ever had a criminal record sealed?
- Yes ☐ No ☒ 5. Have you ever had a criminal record expunged?
- Yes ☒ No ☐ 6. Have you ever participated in any type of pre-trial intervention/diversion program or had adjudication withheld in a criminal offense?
- Yes ☐ No ☒ 7. Are there criminal charges currently pending against you?
- Yes ☐ No ☒ 8. Have you ever been imprisoned or jailed in a criminal proceeding?
- Yes ☐ No ☒ 9. Have you ever been placed on probation in a criminal proceeding?
- Yes ☐ No ☒ 10. Have you ever paid a fine in a criminal proceeding?
- Yes ☐ No ☒ 11. Have you ever failed to appear in court or forfeited bond in a criminal proceeding?
- Yes ☐ No ☒ 12. Have you ever had a teaching certificate revoked or suspended? If yes, in what state and when? \_\_\_\_\_
- Yes ☐ No ☒ 13. Have you ever had sanctions placed on your teaching certificate for any reason?
- Yes ☐ No ☒ 14. Have you ever been denied a teaching certificate anywhere?
- Yes ☐ No ☒ 15. Is disciplinary action currently pending anywhere against your teaching certificate?



you answered "Yes" to any question above, you must explain fully on the reverse side of the form. If you answered "Yes" to question(s) 12, 13, 14, or 15, you must give the name of the State where your teaching certificate was revoked, suspended, sanctioned, denied or where action is currently pending against you.

NOTE: Pursuant to Florida Statute 943.058 Criminal History Record Expunction or Sealing, persons to be employed in a position having direct contact with children must answer questions 4, 5 and 6. The School Board of Broward County will receive information on all records, including juvenile, that have been sealed, expunged, or where adjudication was withheld. To omit a response or to be untruthful in your response, regardless of any previous information received from your attorney or the Court will be considered falsification of your application and will result in your being terminated. If you wish to seek counsel prior to completing this section, you may take application with you.

(over)

Name: Last First Middle Maiden

INCIDENCE #1 (Request 2nd sheet if more than one incidence)

If Arrested, Where?: Broward CNTY. Date of Arrest: 6/95

Arresting Agency: City of Ft Lauderdale

Offense: Poss of Cocain

Please provide detailed explanation: I let a male friend of mine borrow my car for the day. And when my friend returned to pick me up I got into the vehicle on the passenger side. At that time proceeded to the mall while on our way to the mall we were stopped by several police officers at that time I office asked for some identification and then decided to search the car for some unknown reason. After searching the car Cocain was found inside the car which I had no knowledge of. At that time both of use were arrested. And After further investigating the incident. I was ordered to attend a Pre-Trial  
 Final Disposition: Intervention Program a the case was Dismissed.  
- Case was Dismissed.

EXAMPLES OF CRIMINAL OFFENSES: Assault/battery, auto theft, disorderly conduct, domestic violence, DUI/DWI, fraud (welfare/food stamps) loitering, prostitution/solicitation, robbery, shoplifting, theft (grand/petty), trespassing, worthless checks. NOTE: This is not a complete list and is intended to provide examples only. You must list all convictions including juvenile incidents and those in which adjudication was withheld and/or records were sealed/expunged.

By signing this document I certify that I have carefully read and fully understand each question and that all information contained herein is true and accurate. My signature further certifies that there is no falsification of any information, omission of any information requested or any misrepresentation of information requested. I also understand that my fingerprints will be submitted to the Federal Bureau of Investigation for a complete criminal history background check.

By my signature, I authorize the Broward County School Board to conduct any investigation necessary to verify all information identified on this form. My signature on this document provides for the release of any sealed or expunged records in my name by any court. Included in this grant of authority is my permission to contact any and all former employers and other persons acquainted with me or in possession of information concerning me to supply such information to the Security Clearance Office. All monies received as part of the fingerprinting process are non-refundable.

By my signature, I certify that I know, understand, and agree that any false statement or omission of information requested will result in my immediate termination.

Charles Seard  
 Signature of Applicant

9/16/98  
 Date

[illegible]

DEFENDANT'S VEHICLE MAKE \_\_\_\_\_ TYPE \_\_\_\_\_ YEAR \_\_\_\_\_ COLOR \_\_\_\_\_ VIN NO. \_\_\_\_\_  
 VEHICLE TOWED TO \_\_\_\_\_ AG NO. \_\_\_\_\_ OTHER DEVIATIONS OR REMARKS \_\_\_\_\_

NAME OF VICTIM (IF CORPORATION, EXACT LEGAL NAME AND STATE OF INCORP.)	ADDRESS	PHONE #
Vincent Small	1909 NW 46 Ave Lawrenceville, Ga.	

COUNTY NO.	OFFENSES CHARGED	CITATION #, IF APPLICABLE	F.S. # OR CAPAS/WARRANT #
1	MURDER		782-04

Before me this date personally appeared Robert H. Vance who being first duly sworn, deposes and says that on May 29 1985 at 1701 NW 14th Laurehill, FL (crime location) above named defendant committed the above offenses charged and the facts showing probable cause to believe same are as follows:

City of Laurehill Police Officers responded to the Shop and Shop Store at the above location at 11:16 PM. Victim was shot and collapsed across the street at a private home. The victim died at Broward General Hospital later that evening.

Witness Wanda Bridges observed the defendant arrive at the scene in a

I swear the above statement is correct and true to the best of my knowledge and belief.

[Signature] 1254

OFFICER/ACCUSED'S SIGNATURE OFFICER'S NAME/CN OFFICER'S D

EXHIBIT  
Plaintiff's

STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this 15 day of June, 1998, who is personally known to me or who has produced (10 Type) \_\_\_\_\_ as identification and who \_\_\_\_\_ (DID OR DID NOT) \_\_\_\_\_ take an oath.

DEPUTY CLERK OF THE COURT, NOTARY PUBLIC, OR ASSISTANT STATE ATTORNEY

TITLE OR RANK/CGN

0104

SEVENTEENTH JUDICIAL CIRCUIT  
BROWARD COUNTY  
STATE OF FLORIDA

FIRST APPEARANCE / ARREST FORM

SHOULD ADDITIONAL SPACE BE NEEDED, USE PROBABLE CAUSE AFFIDAVIT CONTINUATION

Orig. - Court  
2nd - State Atty  
Tm - Felon Agency



Before me this date personally appeared ROBERT H. TARK who being first duly sworn, deposes and says that on 29 day of MAY, 1985 at 1741 NW 14th Lane, Miami (crime location) above named defendant committed the above offense charged and the facts showing probable cause to believe same are as follows:

Casillac with blue fabric roof and also forming perimeter the EAST side of the Peruses. SAMUEL observed the defendant approach the victim and begin to argue with him. The defendant was described as wearing a white tee shirt. The defendant was described as having a short Afro haircut, and the handgun which the defendant carried was concealed in his waistband. SAMUEL describes the shooter as 22-30. SAMUEL observes the shooter to pull out the pistol described as an automatic, then begin to strike the victim with the pistol on the head and face. After entering the Shop and Shop store SAMUEL hears a loud shot, observes the victim bleeding, observes the victim cross the street then collapse onto a lawn.

Witness Samuels identified the defendant from a photo lineup and signed a photo lineup affidavit. Samuels stated that the vehicle left the scene southbound.

I swear the above statement is correct and true to the best of my knowledge and belief

OFFICER/AFFIANT'S SIGNATURE

OFFICER'S NAME/CCN

OFFICER'S DIVISION

STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this 15 day of June, 19 73, who is personally known to me or who has produced (ID Type) \_\_\_\_\_ as identification and who \_\_\_\_\_ take an oath.

(SEAL OR STAMP)

DEPUTY CLERK OF THE COURT NOTARY PUBLIC OR ASSISTANT STATE ATTORNEY

TITLE OR RANK/CCN

SEVENTEENTH JUDICIAL CIRCUIT  
BROWARD COUNTY

FIRST APPEARANCE/ARREST FORM

Orig - Court  
2nd - State Atty  
3rd - Filing Agency  
4th - Arresting Agency

Before me this date personally appeared Robert H. Parv  
deposes and says that on 29 day May, 1995 at 4701 NW 14 St Lauderdale who being first duly  
above named defendant committed the above offenses charged and the facts showing probable cause to believe same are as follows:  
Witness Aisha E. [illegible] I

I swear the above statement is correct and true to the best of my knowledge and belief.

OFFICER'S DIVISION

COUNTY OF \_\_\_\_\_

WFO OR DID NOT

TITLE OR RANK/CCM

FIRST APPEARANCE/ARREST FORM

(SEAL OR STAMP)

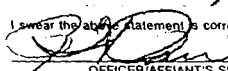
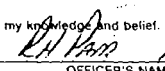
Orig - Court  
2nd - State Atty  
3rd - Filing Age  
4th - Arresting

BROWARD COUNTY SHERIFF'S OFFICE CAUSE AFFIDAVIT										ARREST F	
DEFENDANT'S LAST NAME	FIRST	MIDDLE	SUF.	HGT.	WGT.	RC	SEX	D.O.B.	OFFENSE REPORT	ARRESTING OFFICER (S)/CCN	
Seay	David			5'4"	130	B	M	3/1/67	95-5-16687	R. H. Parr	
NAME OF VICTIM (IF CORPORATION, EXACT LEGAL NAME AND STATE OF INCORP.)									ADDRESS	PHONE #	
Vincent Smith									1909 NW 46 Ave, Lauderdale		
COUNT NO.	OFFENSES CHARGED	CITATION #, IF APPLICABLE			F.S. # OR CAPIAS/WARRANT						
1	Murder				182-09						

Before me this date personally appeared Robert H. Parr who being first duly sworn, deposes and says that on 29 day of May, 1995 at 4701 NW 14 St Lauderdale (crime location) above named defendant committed the above offenses charged and the facts showing probable cause to believe same are as follows:

(Supporting witness Samuel's Positive Identification.)  
The defendant additionally made a comment to the transporting Ft Lauderdale Officer asking if we wishing to question him about a "Robbery or a Killing". No one mentioned either crime to him.  
Broward Associate Medical Examiner Dr. Price advised that the victim died by a gunshot wound and the manner of death was ruled to be a Homicide.  
Witness Samuel's was shown a photo lineup of the defendant's vehicle & stated it looked like the car she observed at the crime scene.  
Defendant voluntarily submitted/demanded to a polygraph examination. Upon conclusion, the results indicated the defendant was deceptive on key questions surrounding the shooting. Defendant denied all allegations regarding the shooting incident.

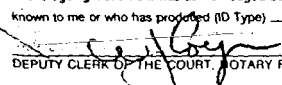
I swear the above statement is correct and true to the best of my knowledge and belief.

		
OFFICER/AFFIANT'S SIGNATURE	OFFICER'S NAME/CCN	OFFICER'S DIVISION

STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this 15 day of JUNE, 1995, who is personally known to me or who has produced (ID Type) \_\_\_\_\_ as identification and who \_\_\_\_\_ (ID OR DID NOT) take an oath.

DEPUTY CLERK OF THE COURT, NOTARY PUBLIC, OR ASSISTANT STATE ATTORNEY



TITLE OR RANK/CCN

FIRST APPEARANCE/ARREST FORM

SEVENTEENTH JUDICIAL CIRCUIT BROWARD COUNTY

Orig. - Court  
2nd - State Atty  
3rd - Filing Agency  
4th - Arresting Ag.

0107

ARREST NO. 11136  
 DEFENDANT'S LAST NAME FIRST MIDDLE SUF ALIAS/STREET NAME CITIZEN  
 F. LAUD. P.D. 95-95287  
 SEARS DAVID NMN DAVE R B  
 RC SEX HGT. EYES HAIR WGT. COMP. AGE D.O.B. BIRTHPLACE SCARS, MARKS, TT  
 B M 5'4" B/BW BLK 135 LT. 28 3-11-67 NASSAU PAR. REAL PAR.  
 PERMANENT ADDRESS 33313 LOCAL ADDRESS 4730 N.W. 11<sup>TH</sup> ST. L. HILL  
 RESIDENCE TYPE: (1) CITY (2) COUNTY (3) FLORIDA (4) OUT-OF-STATE PLACE OF EMPLOYMENT LASTR LAMN SLR LENGTH 12'  
 HOW LONG DEFENDANT IN BROWARD COUNTY 28 YRS. BREATHALYZER BYCCN READING 1500 E. SUNRISE DATE TIME ARRESTED 6-14-95 ARRESTING OFFICER'S CN R. P. MARTIN  
 OFFICER INJURED UNIT ZONE BEAT SHIFT UNIT TRANSPORTING PRISONER TRANSPORTING OFFICER COON PICK-UP TIME TIME ARRIVED AT BSO  
 Y ☐ N ☒ M 14102 PR 2  
 TYPE B-BARIUMDATE H-HALLUCINOGEN P-PARAPHEMALIN U-UNKNOWN ACTIVITY ACTIVITY S-SELL A-ASACOLE W-WAIFACTURE K-KOPIKOFI Z-OTHER EDUCATION OF T B LP  
 A-AMPHETAMINE C-COCAINE O-OPINUM E-EQUIPMENT Z-OTHER P-POSSESS T-TRAFFIC E-USE PRODUCT CULTIVATE D-DISTRIBUTE ALCOHOL INFLUENCE DRUG INFLUENCE ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐

DEFENDANT'S VEHICLE MAKE MODEL YEAR VIN  
 VEHICLE TOWED TO FPD  
 NAME OF VICTIM (IF CORPORATION, EXACT LEGAL NAME AND STATE OF INCORP.) ADDRESS PHONE #

COUNT NO.	OFFENSES CHARGED	CITATION #, IF APPLICABLE	F.S. # OR CAPIAS/WARRANT
1	OPERATING VEH. AGAINST RESTRICTIONS (BUSINESS PURPOSES ONLY)	281816-K	332.16
2	POSSESSION OF COCAINE		

Before me this date personally appeared RICHARD T. MARTIN who being first duly sworn, deposes and says that on 14<sup>TH</sup> JUNE 1995 at 1500 E. SUNRISE BLVD. FT. LAUDERDALE above named delendant committed the above offenses charged and the facts showing probable cause to believe same are as follows: BROWARD COUNTY

THE UNDERSIGNED OFFICER + OFF. D. PORIO INITIALLY OBSERVED THE ARRESTED VEHICLE IN THE 2300 BLK. OF N.W. 19<sup>TH</sup> ST. AS IT W. EASTBOUND. THE VEHICLE FIT THE DESCRIPTION OF A VEHICLE THAT WAS A SUSPECT VEHICLE IN A HOMICIDE WHICH BSO WAS HANDLING. DET. PARR OF BSO HAD GIVEN THESE OFFICERS CONTINUE

I swear the above statement is correct and true to the best of my knowledge and belief.  
 OFFICER/AFFIANT'S SIGNATURE R.P. MARTIN 514 OFFICER'S NAME/CN  
 OFFICER'S DIVISION PATROL

STATE OF COUNTY OF  
 The foregoing instrument was acknowledged before me this 15 day of JUNE, 1995 who is personally known to me or who has produced (ID Type) as identification and who (DID OR DID NOT) take an oath.  
 DEPUTY CLERK OF THE COURT, NOTARY PUBLIC, OR ASSISTANT STATE ATTORNEY TITLE OR RANK/CN  
 (SEAL OR STAMP)

[illegible]

Before me this date personally appeared RICHARD P. MARTIN  
deposes and says that on 14 day JUNE, 1995 at 1500 E. SUNRISE BLVD. FT. LAUDERDALE  
above named defendant committed the above offenses charged and the facts showing probable cause to believe same are as follows: FLORIDA  
A DESCRIPTION OF THE SUSPECT PROVARD COUNTY

A DESCRIPTION OF THE SUSPECT VEHICLE AS WELL AS A COMP-  
 ITE OF THE POSSIBLE-CULPRIT, ON MON. 6-13-95.  
 ON THIS DATE OFF. MARTIN ATTEMPTED TO CATCH THE VEHICLE  
 AS IT PROCEEDED EAST ON N.W. 19<sup>TH</sup> ST. BUT THE VEHICLE  
 TURNED OFF OF NW 19 ST. IN THE AREA OF N.W. 20 AVE. TO  
 15 AVE. OFF. MARTIN PUT OUT A DESCRIPTION OF THE VEHICLE,  
 AS WELL AS A BRIEF DESCRIPTION OF THE POSSIBLE SUSP  
 + DIRECTED FLPD OFFICERS TO THE AREA OF W. SUNRISE +  
 15 AVE. A POMPANO P.D. DETECTIVE (DET. LACY A. CREW)  
 THEN OBSERVED THE VEHICLE EASTBOUND ON W. SUNRISE BL  
 NEAR N.W. 9<sup>TH</sup> AVE. + DIRECTED FLPD MARKED UNITS TO THE  
 AREA. WHEN SUFFICIENT UNITS WERE IN THE AREA A TRAFF  
 STOP WAS MADE AT E. SUNRISE + N.E. 15 AVE. (FLPD OFFIC  
 S. LEDEGANG, CASTRO, PINTO-GONZALEZ, + M. MUNIZ). OFFICER  
 MARTIN + PORIO RESPONDED TO E. SUNRISE + NE 15 AVE. AND  
 CHECKED THE DRIVER FOR A DRIVERS LICENSE, WHICH

I swear the above statement is correct and true to the best of my knowledge and belief.

OFFICER/AFFIANT'S SIGNATURE

OFFICER'S NAME/CCN R.P. MARTIN 514

CONTINUED  
PATROL  
OFFICER'S DIVISION

STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_

COUNTY OF

The foregoing instrument was acknowledged before me this 5 day of June, 1985, known to me or who has produced (ID Type) \_\_\_\_\_ as identification and who \_\_\_\_\_ who is personally \_\_\_\_\_ take an oath.

DEPUTY CLERK OF COURT

(SEE BACK OF CARD)

DEPUTY CLERK OF THE COURT, NOTARY PUBLIC, OR ASSISTANT STATE ATTORNEY

SEVENTEENTH JUDICIAL CIRCUIT  
BROWARD COUNTY

FIRST APPEARANCE/ARREST FORM

Blue 206  
TITLE OR RANK/CCN

0109

(SEAL OR STAMP)

Orig - Court  
2nd - State Atty  
3rd - Filing Agent  
4th - Arresting Ag

DEFENDANT'S LAST NAME		FIRST	MIDDLE	SUF.	HGT.	WGT.	RC	SEX	D.O.B.	OFFENSE REPORT	ARRESTING OFFICER (S)/CCN
SEARS, DAVID					5'4"	135	BL	M	3-11-67	95-95287	R.P. MARTIN
NAME OF VICTIM (IF CORPORATION, EXACT LEGAL NAME AND STATE OF INCORP.)										ADDRESS	PHONE #
COUNT NO.	OFFENSES CHARGED						CITATION #, IF APPLICABLE		F.S. # OR CAPIAS/WARRANT		

Before me this date personally appeared RICHARD P. MARTIN who being first duly sworn deposes and says that on 14 day of JUNE, 1995 at 1500 E. SUNRISE BLVD. FT. LAUDERDALE, FLORIDA above named defendant committed the above offenses charged and the facts showing probable cause to believe same are as follows: BROWARD COUNTY

THE ARRESTED SEARS HAD, BUT IT HAD A RESTRICTION FOR WORK PURPOSES ONLY, AND THE ARRESTED HAD RELATED TO OFF. MARTIN THAT HE WAS NOT WORKING, RATHER HE + HIS GIRLFRIEND (PASS. IN VEHICLE) CHERYL DENISE HALL WERE GOING SHOPPING.

AT THIS POINT SEARS WAS PLACED UNDER ARREST FOR VIOL. OF RESTRICTIONS ON D.L. + A TOW TRUCK WAS CALLED TO THE SCENE. IT SHOULD ALSO BE NOTED THAT SEARS HAD A LARGE AMMOUNT OF CASH IN HIS POSSESSION, + HE ALSO HAS A PAST ARREST RECORD FOR NARCOTICS VIOLATIONS. OFF. MONIZ WAS ON THE SCENE WITH HIS DRUG DOG KONAN, WHO WAS THEN UTILIZED TO CONDUCT A SEARCH OF THE VEHICLE. THE DRUG DOG LOCATED 14 GMS OF COCAINE UNDER THE DASH OF THE VEHICLE. THE DRUG DOG ALSO "HIT" ON THE CASH THAT SEARS + HALL HAD IN THEIR POSSESSION. THE VEHICLE WAS THEN TOWED TO F.C.P.D. CONFISCATION.

I swear the above statement is correct and true to the best of my knowledge and belief.

R.P. Martin  
OFFICER/AFFIANT'S SIGNATURE

R.P. MARTIN 514  
OFFICER'S NAME/CCN

PAROL  
OFFICER'S DIVISION

STATE OF

COUNTY OF

The foregoing instrument was acknowledged before me this 15 day of JUNE, 1995, who is personally known to me or who has produced (ID Type) as identification and who take an oath.

DEPUTY CLERK OF THE COURT, NOTARY PUBLIC, OR ASSISTANT STATE ATTORNEY

Blas 2st  
TITLE OR RANK/CCN

SEVENTEENTH JUDICIAL CIRCUIT  
BROWARD COUNTY

FIRST APPEARANCE/ARREST FORM

0110

(SEAL OR STAMP)

Orig. Court  
2nd. State Atty  
3rd. Filing Agency  
4th. Arresting Agt.



COMPLAINANT AFFIDAVIT										ARREST FC	
PROBABLE CAUSE AFFIDAVIT CONTINUATION											
DEFENDANT'S LAST NAME		FIRST	MIDDLE	SUF.	HGT.	WGT.	RC	SEX	D.O.B.	OFFENSE REPORT	ARRESTING OFFICER (S)/CCN
SEARS, DAVID					5'4"	135	B	M	3-11-67	95-95287	R.P. MARTIN
NAME OF VICTIM (IF CORPORATION, EXACT LEGAL NAME AND STATE OF INCORP.)										ADDRESS	PHONE #
COUNT NO.	OFFENSES CHARGED								CITATION #, IF APPLICABLE	F.S. # OR CAPIAS/WARRANT	

Before me this date personally appeared RICHARD P. MARTIN who being first duly sworn deposes and says that on 19 day of JUNE 19 95 at 1500 E. SUNRISE BLVD. F. LAUDERDALE above named defendant committed the above offenses charged and the facts showing probable cause to believe same are as follows: PROVARD COUNTY

THE NARCOTICS WAS VACTOX TESTED BY OFF. MONIZ + SHOWED POSITIVE FOR COCAINE. THE NARCOTICS + CASH WAS PLACED INTO EVIDENCE BY OFF. MONIZ.

DET. PARR + DET. O'NEAL ALSO RESPONDED TO E. SUNRISE + 15 AVE. + REQUESTED THAT BOTH SEARS + MALL BE BROUGHT TO BSO HEADQUARTERS SO THEY COULD FURTHER THEIR INVESTIGATION OF THEIR HOMICIDE.

AT THIS POINT SEARS HAD BEEN CHARGED WITH VIO. OF RES. ON HIS D.L. + ALSO POSS. OF COCAINE, AND MALL WAS CHARGED WITH POSS. OF COCAINE, WHICH OFF. MONIZ WAS INITIATING.

I swear the above statement is correct and true to the best of my knowledge and belief

R.P. Martin  
OFFICER/AFFIANT'S SIGNATURE

R.P. MARTIN S11  
OFFICER'S NAME/CCN

PATROL  
OFFICER'S DIVISION

STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_

he foregoing instrument was acknowledged before me this 15 day of JUNE, 19 95, who is personally known to me or who has produced (ID Type) \_\_\_\_\_ as identification and who (Y/N OR (N) NOT) take an oath.

[Signature]  
CLERK OF THE COURT, NOTARY PUBLIC OR ASSISTANT STATE ATTORNEY

Police 206  
TITLE OR RANK/CCN

FIRST APPEARANCE/ARREST FORM

VENTEENTH JUDICIAL CIRCUIT  
PROVARD COUNTY

0111  
(SEAL OR STAMP)

Orig - Court  
2nd - State Atty  
3rd - Filing Agency  
4th - Arresting Agency

<input type="checkbox"/> 17th Judicial Circuit in and for Broward County <input type="checkbox"/> In the County Court in and for Broward County		CLOCK IN
DIVISION: <input type="checkbox"/> CRIMINAL <input type="checkbox"/> TRAFFIC <input type="checkbox"/> OTHER	ORDER	
THE STATE OF FLORIDA VS. <u>DAVID SEARS</u>		CASE NUMBER <u>GRAND JURY</u>
PLAINTIFF	DEFENDANT	

CHARGE MURDER IN THE FIRST DEGREE

THE GRAND JURY HAVING THIS DATE - JULY 5, 1995, SPRING TERM GRAND JURY, RETURNED A NO TRUE BILL AS TO THE DEFENDANT, IT IS HEREBY ORDERED THAT THE DEFENDANT SHALL BE RELEASED FROM CUSTODY AS TO THIS CASE, ONLY.

DONE AND ORDERED THIS 20 DAY OF JULY, 19 95, IN  
BROWARD COUNTY, FLORIDA NUNC PRO TUNC, JULY 5, 1995

JUDGE

BRESCHER

COPIES: BSO - SAO



October 6, 1998

Mr. Hal Blitman  
Associate Superintendent of District Administration  
School Board of Broward County, Florida  
600 SE 3rd Avenue  
Ft. Lauderdale, Florida 33301

Reference: Additional Information, Appeal  
Cherl D. Sears,

Dear Mr. Blitman,

This letter is to inform you of key details that may better clarify the nature of the incident I was involved in and the reason behind my electing to attend the prevention program. I'd like to first thank you for your time in reviewing my motion for appeal. Prior to this incident I have never been involved in any criminal proceedings nor do I condone any criminal activity. After being arrested, I sought legal counsel to represent me. At that time, I was working hard to support both myself and my two children. I was also attending classes on the weekend to complete my education in order to bring me closer to becoming a full-time teacher. My attorney advised me that since I had no prior arrests that if I agreed to the court program, the case would be dismissed and it would spare me the cost of going to trial. He also advised that I not contest the charge because I was the owner of the car. Furthermore, he explained that this would be the best course of action and my record would remain clear. Again, I thank you for your time and patience, and I hope that this matter can be resolved so that I may return to back to work to continue touching the bright young minds of my students as a full-time teacher.

Sincerely,

*Cherl D. Sears*  
Cherl D. Sears



RECEIVED  
ASSOC. SUPERINTENDENT'S  
OFFICE  
98 OCT - 7 PM 5:07

The Nation's Largest Fully



Accredited School System

## THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

Gracie M. Diaz  
Director  
Instructional Staffing Department

Chairperson: Lois Wexler  
Vice Chairperson: Daria L. Carter  
Carole L. Andrews  
Judie S. Budnick  
Paul D. Eichner, Esq.  
Stephanie Arma Kraft, Esq.  
Miriam M. Oliphant  
Dr. Robert D. Parks  
Diana Wasserman

Dr. Frank R. Petruzielo  
Superintendent of Schools

December 10, 1998

Cheri Sears  
4730 NW 11 Street  
Lauderhill, FL 33313

Certified

Dear Ms. Sears:

The Security Clearance Committee, which met November 24, 1998, has denied your appeal for employment with the School Board of Broward County, FL.

We regret that this action was necessary.

Sincerely,

Gracie M. Diaz, Director  
Instructional Staffing ;

GMD:deh



PRINTED ON RECYCLED PAPER

0156

Broward County Public Schools is An Equal Opportunity/Equal Access Employer

## PERSONNEL DIVISION HANDBOOK



## SECURITY CLEARANCE PROCEDURE

- I Purpose: To ensure that a security background check is done on all individuals (see III below) ~~who will be in direct contact with the children of The Broward County School System.~~
- II Check for Sexual Predator, Deadbeat Parent, and State Termination: The Broward Security Clearance Office shall check latest list of sexual predators, deadbeat parents, EPC/PPS records, and the list of persons on the Florida list of terminated employees before giving security clearance.
- III All applicants for employment, all employees of outside vendors, all mentors who come in direct contact with children, all education students prior to their field experience and student teaching, and all employees who become inactive for ninety (90) or more days in TAPS must be fingerprinted and pay a \$50.00 fee.
- IV Procedure:
- A. When individuals in the above categories appear for processing at the Employment Center, they must complete a Security Background Information Form and allow their fingerprints to be taken.
- B. A local check is done through the Broward Sheriff's Department Docketrac computer system. If no record surfaces, the individual is cleared and the fingerprints are then sent to FDLE. If a record is found at the state level, the record is returned to security clearance office for appropriate action. If no state record is disclosed, the fingerprints are forwarded to FBI. If no record is discovered by the FBI, original fingerprint card is returned to Broward and kept on file. If a record is found, the individual's file is given to the appropriate administrator: Director of Non-Instructional Staffing or Director of Instructional Staffing.
- C. Individuals with records: The case is reviewed by the appropriate staffing director: if other than a minor traffic offense, the individual is asked to provide explanation, police records and court documents verifying disposition regardless of whether adjudication was withheld, sealed or expunged.
1. If an individual provides documentation of a criminal incident (identified in #1 Personnel Hiring Guidelines) regardless of whether adjudication was withheld, such individual shall not be employed.

## V. Appeals Process:

Applicants who have been denied employment because of criminal incident(s) may appeal the decision of the Security Clearance Committee ~~may be appealed in~~ by writing to the Associate Superintendent for District Administration Director, Personnel & Benefits. Such written appeal shall be considered only if the applicant provides new information that was not previously available to the Security Clearance Committee.

Document Preparation Date: July 1, 1996

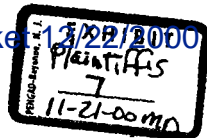
Revision date: ~~November 20, 1998~~ December XX, 1999

Contact Persons: Grade M. Diaz, Bill Tegtman

Appendix: Security Background Check Form, Personnel Hiring Guidelines

Authority: Fl Statute 231-02, ~~435.04~~

Board Policy #4002-A, B



## FLORIDA DEPARTMENT OF EDUCATION

FRANK T. BROGAN

Commissioner of Education

TO: CHERL D SEARS  
4730 NW 11 ST  
LAUDER HILL, FL 33313

FEBRUARY 24, 1998

IN REPLY PLEASE REFER TO:  
SSAN# 267-63-6148

FROM: BUREAU OF TEACHER CERTIFICATION

SUBJECT: STATEMENT OF ELIGIBILITY

THIS IS YOUR STATEMENT OF ACADEMIC ELIGIBILITY FOR MIDDLE  
GRADES SOCIAL SCIENCE (5-9) VALID UNTIL FEBRUARY 24, 2000.

The State of Florida issues two types of certificates for full-time teaching: a nonrenewable Temporary Certificate valid for two years and a Professional Certificate valid for five years. The attached Form CF-106a, FLORIDA TEACHER CERTIFICATION REQUIREMENTS, outlines the criteria for the issuance of these certificates. The Temporary Certificate is issued to allow time to complete requirements for the Professional Certificate.

Your application for teacher certification has been received and evaluated. Based upon current requirements, you will be eligible for a two-year nonrenewable Temporary Certificate valid for two consecutive school fiscal years covering MIDDLE GRADES SOCIAL SCIENCE (5-9) when:

You complete the following subject area specialization (subject content) requirements:

Three (3) semester hours in western civilization; or, European, Asian, African, Latin American, or Middle Eastern history

Three (3) semester hours in geography

You must complete the requirements specified above and maintain a 2.5 GPA in the subject area. Courses utilized in this evaluation reflect an acceptable GPA.

Note: The specialization requirements listed above must be completed prior to the issuance of the Temporary Certificate and no later than June 30th of the first year of the two-year validity period of the certificate.

You obtain employment with a Florida public, state supported, or nonpublic school which has an approved system for documenting the demonstration of required professional education competence. Your employer must

**FLORIDA DEPARTMENT OF EDUCATION****FRANK T. BROGAN**

Commissioner of Education

267-63-6148

FEBRUARY 24, 1998

PAGE 2

request issuance of your certificate.

Your employer submits a fingerprint card which has been processed by the Florida Department of Law Enforcement and the Federal Bureau of Investigation. If your fingerprint report reflects an arrest record, your file will be referred to Professional Practices Services for further review. Issuance of your certificate will be contingent upon the results of this review.

Please note that if you do not complete specialization requirements, obtain employment, and issuance of your certificate is not requested by FEBRUARY 24, 2000, your Statement of Eligibility will expire. Another application and fee may be submitted within one year from the expiration date of this Statement of Eligibility to re-establish your eligibility based on these same requirements. However, if this Statement of Eligibility has expired for more than one year when you submit another application, your eligibility for certification will be based on requirements which are in effect at the time the next application is received.

To qualify for a five-year Professional Certificate, requirements must be completed in the following three categories: General Requirements, Professional Education Requirements, and Specific Subject Requirements.

**YOU MUST COMPLETE THE FOLLOWING REQUIREMENTS FOR THE  
ISSUANCE OF YOUR PROFESSIONAL CERTIFICATE:**

**GENERAL REQUIREMENTS -**

Submit official documentation of a passing score on the Professional Education Subtest of the Florida Teacher Certification Examination.

Submit official documentation of a passing score on the College Level Academic Skills Test (CLAST).

Submit from a Florida district superintendent or the chief administrative officer of a Florida state supported or nonpublic school, official verification of demonstration of required professional education competence.

**FLORIDA DEPARTMENT OF EDUCATION****FRANK T. BROGAN**

Commissioner of Education

267-63-6148

FEBRUARY 24, 1998

PAGE 3

Complete the recency-of-credit requirement either by earning six (6) semester hours of college credit from an accredited institution in an area in which you are seeking certification, or by earning 120 inservice points which are part of an approved Florida district Master Inservice Plan or a combination of college credit and inservice points. Sixty inservice points equate to three (3) semester hours.

Submit Application Form CG-10 and the appropriate fee as indicated on the application form.

**PROFESSIONAL EDUCATION REQUIREMENTS -**

20 semester hours in education courses which must include:

6 semester hours covering the sociological and psychological foundations of education

6 semester hours in general methods, curriculum, school administration, or school supervision

a course in special methods of teaching the subject in which you are seeking certification as indicated in the SPECIFIC SUBJECT REQUIREMENTS outlined below.

The practical teaching experience requirement as explained in the enclosed attachment.

**SPECIFIC SUBJECT REQUIREMENTS FOR MIDDLE GRADES SOCIAL SCIENCE (5-9)**

Complete the subject area specialization (content courses) specified for issuance of the two-year-nonrenewable Temporary Certificate.

Submit official documentation of a passing score on the MIDDLE GRADES SOCIAL SCIENCE (5-9) subject area test

Complete the special methods requirement as follows:

2 semester hours in special methods of teaching social science in the middle grades



# FLORIDA DEPARTMENT OF EDUCATION

FRANK T. BROGAN  
Commissioner of Education

267-63-6148

FEBRUARY 24, 1998  
PAGE 4

NOTE: The college credit earned to complete the special methods requirement will also be applicable toward the total hours specified in PROFESSIONAL EDUCATION REQUIREMENTS listed above.

PLEASE NOTE: BASED ON CURRENT STATUTES, YOU MAY RECEIVE ONLY ONE TEMPORARY CERTIFICATE, VALID FOR TWO YEARS, PRIOR TO ISSUANCE OF THE PROFESSIONAL CERTIFICATE. IF YOU HAVE REQUESTED CERTIFICATION IN MORE THAN ONE SUBJECT, IT IS NOT NECESSARY FOR YOU TO COMPLETE REQUIREMENTS SPECIFIED FOR ALL SUBJECTS PRIOR TO ISSUANCE OF YOUR PROFESSIONAL CERTIFICATE. HOWEVER, IT IS ESSENTIAL THAT YOU COMPLETE REQUIREMENTS SPECIFIED IN YOUR STATEMENT OF ELIGIBILITY FOR GENERAL REQUIREMENTS, PROFESSIONAL EDUCATION REQUIREMENTS, AND SPECIFIC SUBJECT REQUIREMENTS FOR THE PROFESSIONAL CERTIFICATE IN AT LEAST ONE SUBJECT TO INSURE YOUR ELIGIBILITY FOR ANOTHER CERTIFICATE FOR THE SCHOOL YEAR IMMEDIATELY FOLLOWING THE EXPIRATION OF YOUR TEMPORARY CERTIFICATE.

The Bureau of Teacher Certification will be pleased to answer any questions that you may have after you have carefully reviewed your Statement of Eligibility. You may direct written correspondence to: The Bureau of Teacher Certification, Florida Department of Education, 325 West Gaines Street, Tallahassee, FL, 32399-0400. If you live in Florida, you may call the Bureau of Teacher Certification at 1-800-445-6739. (You CANNOT reach the Bureau by substituting the area code "850" for the "800" toll-free extension). If you live outside the State, you may reach the Bureau at 850-488-2317.

ENCLOSURE(S)  
PTER

STAFF: JCT





UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 00-6017-CIV-DIMITROULEAS/SELTZER

CHERL SEARS. )  
 )  
 Plaintiff. )  
 )  
 v. )  
 )  
 THE SCHOOL BOARD OF BROWARD )  
 COUNTY, FLORIDA, )  
 )  
 Defendant. )  
 \_\_\_\_\_ )

AFFIDAVIT OF GRACIE DIAZ

STATE OF FLORIDA )  
 )SS  
 COUNTY OF BROWARD )

I, GRACIE DIAZ, being first duly sworn, depose and state that I am over eighteen (18) years of age, that I am sui juris and that this Affidavit is made voluntarily and of my own free will without threats or promises of benefit by or from any person, and is based on my personal knowledge.

1. I am presently employed as the Director of Instructional Staffing by the School Board of Broward County, Florida (hereinafter, "School Board"). I have been employed by the School Board since 1987 and have held my current position as Director for the past two years. Prior to becoming Director, I held the position of Assistant Director of Instructional Staffing. In my current position, I am responsible for the recruitment and hiring of all new instructional employees. I am also in charge of substitute teachers, as well as all leaves, transfers, and bonuses for the instructional staff. In addition, I serve as the Chairperson of the School Board's Security Clearance Committee.

which reviews employee and applicant background checks when security concerns arise. As Chairperson, I was present at the Security Clearance Committee meetings regarding the Plaintiff, Ms. Cheryl Sears.

2. The School Board employs three types of substitute teachers: Regular Substitutes, Interim Substitutes, and Pool Substitutes. Regular Substitutes are called in to a school on an ad hoc basis to substitute for an absent teacher that day. A Regular Substitute is not required to have a college degree but must have at least 60 semester hours of college credit. Regular Substitutes are paid at a daily rate of approximately seventy to eighty dollars per day, and receive no fringe benefits.

3. Pool Substitutes report each school day to a particular school to be available to fill in for absent teachers as the need arises. Each person hired as a Pool Substitute agrees in writing to accept the position for one school year only (specifically, 180 days), at a specified daily rate of pay of approximately ninety dollars per day. Pool Substitutes also receive state retirement, FICA, and worker's compensation benefits. Like a Regular Substitute, a Pool Substitute is not required to have a college degree but must have at least sixty semester hours of college credit.

4. Interim Substitutes are hired to teach a class for at least twenty consecutive days or more. Interim Substitutes must have a bachelor's degree and are paid the daily rate of a beginning teacher (approximately \$28,500/year). Interim Substitutes cannot be put into a vacant teaching position; they can only be used to substitute for a teacher on an extended leave of absence (i.e., sickness or injury, pregnancy, or workers' compensation).

5. All substitutes must attend and complete the Substitute Teaching Training Workshop, must qualify for a Broward County Substitute Teaching Certificate, and must undergo a criminal

background check which includes fingerprinting. All substitutes also sign a memorandum of understanding which specifies that regular work during the school year is not guaranteed.

6. Substitute teachers are expressly excluded from coverage under the collective bargaining agreement between the School Board and the Broward Teachers Union.

7. Plaintiff, Cheryl Sears, was first employed by the School Board as a Regular Substitute teacher in February, 1992. She worked on an as needed basis as a Regular Substitute teacher until October 1, 1996. Official School Board records establish that Ms. Sears thereafter worked as a substitute teacher in the following capacities:

<u>School Period</u>	<u>Substitute Position</u>
10/02/96 - 06/13/97	Pool
07/01/97 - 09/30/97	Regular
10/01/97 - 03/01/98	Pool
03/02/98 - 06/12/98	Interim
08/25/98 - 10/05/98	Regular

At the time she was initially authorized to work as a substitute teacher, Ms. Sears signed a Memorandum of Understanding which stated that she "understood that there are currently over 3,300 substitutes available for employment and that regular employment should not be expected nor guaranteed."

8. Pursuant to Florida law, criminal background checks have been required for new School Board instructional employees since, at least, the mid 1980s. In 1989, non-instructional employees who have direct contact with students were added to the group for which the School Board was required to conduct fingerprint checks. The background check requirements apply to regular as well as substitute employees and normally involve requiring the employee to submit a complete set of fingerprints, which are then sent to the Federal Bureau of Investigation and the

Florida Department of Law Enforcement for review. Official School Board records reflect that Ms. Sears was fingerprinted upon being employed as a Substitute Teacher in 1992 and again in 1994. She had no reported criminal history at that time and passed both those background/fingerprint checks.

9. In order to implement the requirements of Florida law regarding fingerprinting and criminal background checks for employees, the School Board established a Security Clearance Committee. Pursuant to School Board procedures put in place in July, 1996, applicants for full-time instructional positions were required to complete a security background check form and be fingerprinted. If an applicant disclosed past criminal activity on the form, or the fingerprint check revealed such criminal activity, the School Board obtained the relevant police report(s) and records for review by the Security Clearance Committee.

10. The responsibility of the Security Clearance Committee was, and currently is, to make determinations of eligibility for employment with the School District. At the time of the determination regarding Ms. Sears, the Security Clearance Committee's policy was to look at the type of crime involved, when it was committed, and how it was adjudicated. The Security Clearance Committee would also take into consideration any mitigating factors, such as whether a long period of time had passed since the offense and what the person had done since that time, i.e., whether he or she had a clean record.

11. Further, in making its determinations regarding eligibility for employment with the School Board, the Security Clearance Committee generally followed Section 435.04, Florida Statutes (1997), which provides that persons with a record of having committed certain criminal offenses, regardless of adjudication, should not be hired. Specifically, Section 435.04 requires security

background investigations for all employees in positions designated by law as positions of trust or responsibility to ensure that such persons have not pled nolo contendere to specific criminal activities, including but not limited to violation of Chapter 893, Florida Statutes, relating to drug abuse prevention and control. Each employer must sign an affidavit, under penalty of perjury, to that effect. Termination of employment of any personnel found to be in noncompliance is required unless an exemption is requested and granted.

12. The Security Clearance Committee also considered the standards adopted by the Professional Practices Division of the Florida Department of Education for the issuance of teaching certificates, which provide that an applicant may be deemed ineligible for certification even if the criminal offense with which he or she was charged resulted in a plea of nolo contendere, withholding of adjudication, or pretrial intervention.

13. After reviewing the merits of a case, if the Security Clearance Committee found reason to believe that a disqualifying offense occurred and insufficient mitigating factors were present, the Committee served as the initial step in the screening process to determine the person to be non-employable. However, prior to policy changes implemented in 1999 as discussed below, no applicant was ever automatically denied employment. In fact, instructional personnel have been hired or retained despite past felony arrests.

14. On or about September 16, 1998, Ms. Sears applied for a full-time teaching position with the School Board. Prior to that time, Ms. Sears had only worked for the School Board as a substitute teacher. As part of the full-time teacher application process, Ms. Sears was required to complete a new security background check form. On that form, Ms. Sears disclosed that she had been arrested and charged in 1995 with possession of cocaine. Ms. Sears also disclosed that she had

pled "no contest" in the criminal proceeding and that she had participated in a pre-trial intervention program after which the charge was dismissed. On the back of the form, she stated that she allowed a "male friend" to borrow her car for a day; that the friend then returned to pick her up at which time Ms. Sears entered the passenger side of her car; and that the "male friend" drove them to a mall where she and the "male friend" were confronted by the police. The police searched Ms. Sears' car and found cocaine. Ms. Sears alleged that she had no knowledge that the cocaine was in her car. Ms. Sears and her "male friend" were subsequently arrested. Ms. Sears stated that she was "ordered" to attend pre-trial intervention. After she completed the pre-trial intervention program, the felony criminal case against her was dismissed.

15. Contrary to the explicit requirements of Section 230.335(1)(a), Florida Statutes (1994 Supp.), the fact that Ms. Sears had been arrested for felony cocaine possession was not reported to the School Board's Superintendent of Schools within 48 hours by the law enforcement agency which made the arrest.

16. Upon receipt and review of the police report on Ms. Sears' arrest, the Security Clearance Committee learned that Ms. Sears (formerly known as "Cherl Hall") had been arrested on June 14, 1995, and that the criminal proceedings against her continued into the period during which she was working as a substitute teacher for the School Board. The police report also stated that Ms. Sears' "male friend" was David Sears, her live-in boyfriend at the time of arrest. The report further noted that the police found 14 grams of crack cocaine in the passenger-side compartment of the car. The arresting Officer stated in the report that a trained narcotics dog specifically alerted on Ms. Sears' purse, where the Officer found a rolled bundle of fifty one-dollar bills. According to the

police report, Ms. Sears was charged with violation of Section 893.13, Florida Statutes, which makes it a felony to possess crack cocaine.

17. On October 1, 1998, based on its assessment of the facts presented before it, the Security Clearance Committee determined that Ms. Sears was not employable with the School Board at that time. This determination was based on the felony arrest for possession of 14 grams of crack cocaine; the fact that Ms. Sears pled "no contest" to that felony narcotics charge and entered a pre-trial intervention program; and the incomplete and otherwise misleading manner in which Ms. Sears described her arrest on the security background check form. Specifically, Ms. Sears' statement on the back of the security background check form gave the impression that she was merely "in the wrong place at the wrong time" and, therefore, had nothing to do with the illegal drugs found in her car, which, upon further review by the Security Clearance Committee, did not appear to be forthright or truthful. For instance, the "male friend" referred to was actually Ms. Sears' husband at the time she disclosed the arrest to the School Board.

18. The Security Clearance Committee's determination in this regard also complied with Section 435.03(2), Florida Statutes (1997). Ms. Sears' application for a full-time teaching position was denied and she was removed from the substitute teacher availability list.

19. Official School Board records establish that on October 6, 1998, Ms. Sears sent a letter to Mr. Hal Blitman, (former) Assistant Superintendent of District Administration, appealing the Security Clearance Committee's decision to deny her clearance for employment.

20. On November 10, 1998, I received a letter from Mark J. Berkowitz, Esquire, on behalf of Ms. Sears, demanding that Ms. Sears be reinstated as a substitute teacher and that her application for a full-time teaching position be given "appropriate and full consideration by the



School Board." Mr. Berkowitz stated that, if the School Board did not respond to the demand by November 23, 1998, Ms. Sears was "prepared to take formal legal measures."

21. The Security Clearance Committee reconvened on November 24, 1998, to consider Ms. Sears' appeal of its previous decision to reject her for full-time employment as a teacher and remove her from the substitute teaching availability list. After reviewing the correspondence and documents sent by, and on behalf of, Ms. Sears, the Security Clearance Committee denied Ms. Sears' appeal.

22. At no time during her employment with the School Board did Ms. Sears hold any type of Florida Teaching certificate that would have allowed her to be hired as a regular full-time teacher under Florida law. Thus, even if Ms. Sears had been cleared by the Security Clearance Committee, the School Board still could not have employed her as a regular full-time teacher at that time.

23. In December 1999, following an audit of the Security Clearance Committee's procedures by the Broward County Sheriff's Office, the Security Clearance Committee developed formal, written guidelines. The new guidelines delineate when the Security Clearance Committee should automatically deny employment (such as, for egregious offenses like sexual assault, child abuse, kidnaping and extreme violence) and when applicants should be considered on a case-by-case basis. The guidelines apply to guilty pleas (regardless of adjudication), no contest pleas, and pre-trial intervention/diversion.

24. In all cases (both pre-December 1999 and post-December 1999), each applicant has had the right to appeal the Security Clearance Committee's determination. Appeal is first made directly to the Security Clearance Committee via a designated Associate Superintendent of Schools.

The Security Clearance Committee then reconvenes, with the Associate Superintendent present, and reviews the merits of the case again. The Associate Superintendent makes the final administrative determination regarding eligibility for employment. Each applicant also has the option of appealing an adverse determination to the Superintendent of Schools or the elected members of the Broward County School Board.

25. Ms. Sears could have appealed the Security Clearance Committee's decision to the Superintendent of Schools or the elected members of the Broward County School Board.

26. After the Security Clearance Committee's denial of Ms. Sears' appeal, Ms. Sears never reapplied for employment with the School Board. The School Board does not have any policy that would absolutely and permanently bar Ms. Sears from employment with the School Board.

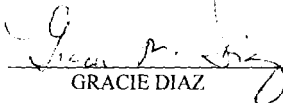
27. Under Florida law, in order to be hired for a full-time instructional position, an applicant must have a valid Florida Professional Teaching Certificate or be eligible for one (i.e., possess a Temporary Teaching Certificate). The Florida Department of Education ("DOE") determines eligibility. Specifically, the DOE, upon review of an application for certification, will issue a "Statement of Eligibility" indicating what the applicant must do in order for a Temporary certificate to be issued. If the Statement of Eligibility indicates that "specialization requirements" are required, the applicant will not be eligible for a Temporary Certificate until the noted courses are completed. Thus, a Statement of Eligibility is not the same as a Temporary Teaching Certificate. Once a Temporary Certificate is issued, the certificate holder has two years to complete any additional requirements to obtain a Professional Certificate. In any event, prior to issuance of a Certificate (Temporary or Professional), the DOE requires a fingerprint card which has been processed by the Florida Department of Law Enforcement and the Federal Bureau of Investigation.

If the background check on the applicant reflects an arrest record, the file is sent to DOE's Professional Practices Services for a further review, and the issuance of any type of teaching certificate is contingent upon the results of that review.

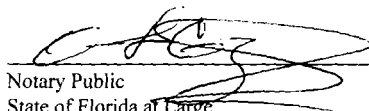
28. At the time Ms. Sears applied for the full-time teaching position, she had not completed the six semester hours of college courses which the DOE informed her were required as "specialization requirements" on her Statement of Eligibility prior to obtaining authorization to receive a temporary teaching certificate. Although Ms. Sears had taken six semester hours in Language Development & Learning Disabilities and Survey of Exceptional Children, those courses did not fulfill the requirements to obtain her temporary Florida teaching certificate because neither of the two courses were in the required fields of study (i.e., Geography and Western Civilization). Again, absent an actual Temporary (or Professional) Teaching Certificate, Ms. Sears was not employable as a regular full-time teacher.

29. At no time during her employment as a substitute teacher by the School Board was Ms. Sears ever granted a regular employment contract as a teacher under Section 231.36, Florida Statutes.

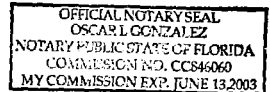
I, GRACIE DIAZ, state that I have read the foregoing Affidavit consisting of 29 numbered paragraphs and swear or affirm that it is true and correct to the best of my knowledge.

  
GRACIE DIAZ

The foregoing instrument was executed before me this 21 day of December, 2000, by GRACIE DIAZ, who is personally known by me [or who has produced FL Drivers License identification] and who took an oath.


  
Notary Public  
State of Florida at Large  
OSCAR L. Gonzalez  
Type or Print Name of Notary

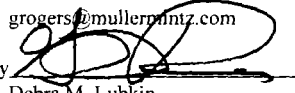
My Commission Expires:



Suite 3600  
First Union Financial Center  
200 South Biscayne Boulevard  
Miami, Florida 33131-2338  
(305) 358-5500 (Miami-Dade)  
(954) 522-0393 (Broward)  
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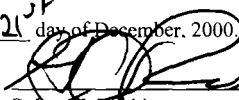
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of this document has been furnished to Mark J. Berkowitz, Esquire, Mark J. Berkowitz, P.A., Counsel for Plaintiff, Suite 200N, 524 South Andrews Avenue, Fort Lauderdale, Florida 33301, by mail, this 21<sup>st</sup> day of December, 2000.

  
for Debra M. Lubkin